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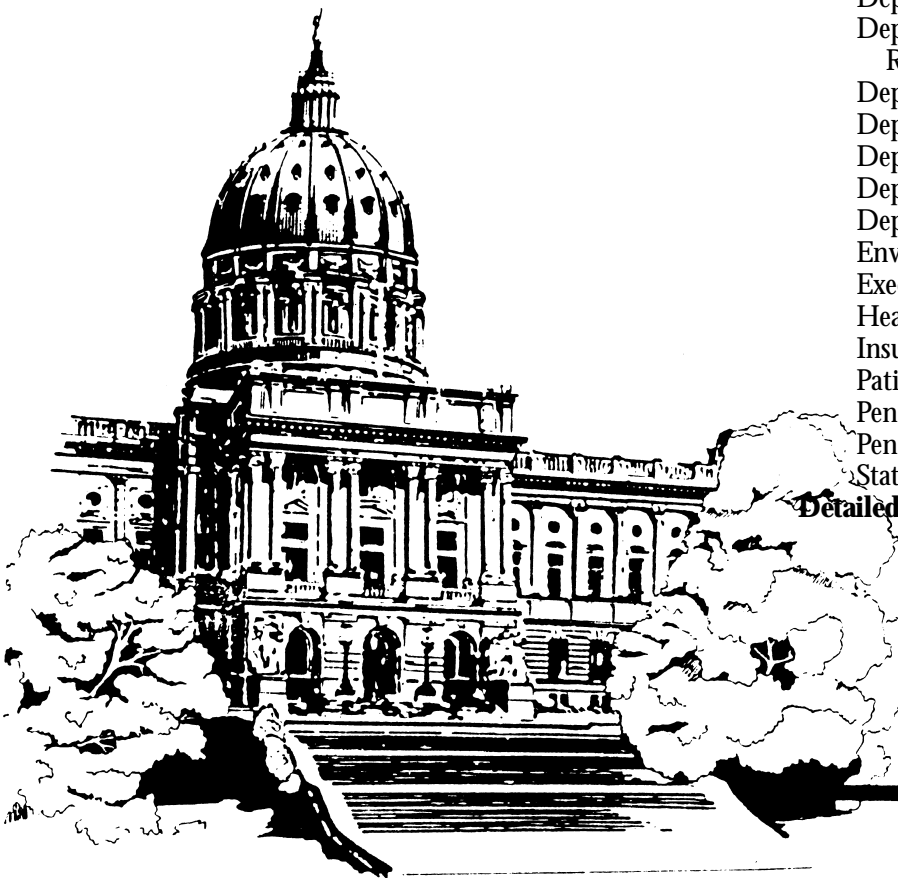
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 338, January 2003

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2003.

4 Pa. Code (Administration)	49 Pa. Code (Professional and Vocational Standards)
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9 34	9 28
17 Pa. Code (Conservation and Natural Resources)	52 Pa. Code (Public Utilities)
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GENERAL ASSEMBLY

Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2002 GENERAL ACTS ENACTED—ACT 134 through 227					
134	Nov 20	SB0834	PN2319	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—sexual abuse of children and unlawful contact or communication with minor
135	Nov 25	HB0286	PN4567	30 days	Dental Law—Commissioner of Professional and Occupational Affairs functions and anesthesia
136	Nov 25	HB2207	PN4559	60 days	Engineer, Land Surveyor and Geologist Registration Law—licensed geologists board appointments and professional land surveyor licensing
137	Nov 25	SB1461	PN2277	immediately	Conveyance—Commonwealth property in Delaware County
138	Nov 25	SB1243	PN1600	July 1, 2002	Game and Wildlife Code (34 Pa.C.S.)—Game Fund revenue allocation
139	Nov 25	SB1459	PN2254	immediately	Conveyance—Commonwealth property in Lackawanna, Washington and Westmoreland Counties
140	Nov 27	HB0590	PN4686	immediately	Civil Service Act—omnibus amendments
141	Dec 3	HB0850	PN4678	60 days	Crimes Code (18 Pa.C.S.)—liquor, malt or brewed beverages purchase, consumption, possession or transportation and inducement of minors to buy
142	Dec 3	HB2674	PN4710	immed/etc	Procurement (62 Pa.C.S.) and Public Welfare (67 Pa.C.S.)—omnibus amendments
143	Dec 3	HB1493	PN4156	immediately	Crimes Code (18 Pa.C.S.)—ethnic intimidation
144	Dec 3	SB0807	PN2442	immediately	Crime Victims Act—awards and transfer to crime victim's compensation fund
145	Dec 6	HB2858	PN4327	immediately	Italo S. Cappabianca Memorial Highway—designation
146	Dec 6	HB2772	PN4630	immediately	Pennsylvania Commission on Crime and Delinquency Law—Targeted Community Revitalization and Crime Prevention Advisory Committee establishment and powers and duties
147	Dec 6	SB1416	PN2353	immed/etc	Insurance Department Act of 1921—insurance producers, managers and general agents licensing and regulation, powers and duties, referral fees and penalties
148	Dec 6	SB1554	PN2394	60 days	Regulatory Review Act—omnibus amendments
149	Dec 6	HB2860	PN4712	immediately	Tobacco Settlement Act—universal research enhancement, Tobacco Settlement Investment Board and eligibility for PACE and PACENET
150	Dec 9	SB0824	PN2435	immed/etc	Pennsylvania Election Code—omnibus amendments
151	Dec 9	HB0851	PN4679	July 1, 2003	Notary Public Law—omnibus amendments
152	Dec 9	HB0152	PN4693	immed/etc	Vehicle Code (75 Pa.C.S.)—omnibus amendments
153	Dec 9	HB0204	PN4696	immediately	Public School Code of 1949—employment criminal background checks, state report card, collection of data and health recommendations
154	Dec 9	HB0235	PN4677	60 days	Judicial Code (42 Pa.C.S.)—name or likeness unauthorized publication and right of action
155	Dec 9	HB0401	PN4746	180 days	Clay and Coal Mine Subsidence Insurance Fund—purpose, disbursements, inflation protection, audits and subrogation, department report and subsidence insurance
156	Dec 9	HB0591	PN4715	immediately	Unemployment Compensation Law—omnibus amendments
157	Dec 9	HB0592	PN4353	60 days	Public School Code of 1949—United States flag display and ceremonies

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
158	Dec 9	HB0731	PN4716	60 days	Unemployment Compensation Law—omnibus amendments
159	Dec 9	HB0878	PN4708	30 days	Procurement (62 Pa.C.S.)—supplies manufactured and services performed by persons with disabilities
160	Dec 9	HB0967	PN1108	60 days	Medical Practice Act of 1985—physician assistant licenses
161	Dec 9	HB0974	PN2937	60 days	Child Labor Law—regulated employment and youth peddling
162	Dec 9	HB0976	PN4725	60 days	Crimes Code (18 Pa.C.S.)—omnibus amendments
163	Dec 9	HB1255	PN1458	60 days	Unclaimed garment disposal—unclaimed footwear and other items left with shoe repairers
164	Dec 9	HB1686	PN4603	immediately	Library Code—incentive for excellence funds for local library use
165	Dec 9	HB1696	PN4583	60 days	Conservation and Natural Resources Act—transfer of funds for State forests
166	Dec 9	HB1700	PN4023	60 days	Local Tax Enabling Act—delegation of taxing powers and restrictions
167	Dec 9	HB1742	PN4632	60 days	Veterinary Medicine Practice Act—omnibus amendments
168	Dec 9	HB1804	PN4006	90 days	Pooled Trust Act—enactment
169	Dec 9	HB1900	PN3864	60 days	Military and Veterans Code (51 Pa.C.S.)—unemployment compensation benefits
170	Dec 9	HB1947	PN4750	immediately	Second Class County Code—tax levies, authority to sell or lease real property, separate specifications for contract and eminent domain proceedings
171	Dec 9	HB2055	PN4694	60 days	Elder Care Payment Restitution Act—enactment
172	Dec 9	HB2070	PN4743	immed/etc	Crimes Code (18 Pa.C.S.)—restoration of firearm rights, unlawful contact with minor and contingent compensation
173	Dec 9	HB2131	PN2843	immediately	History Code (37 Pa.C.S.)—Pennsylvania Historical and Museum Commission powers and duties, publications and reproductions
174	Dec 9	HB2183	PN4638	immediately	First-Level Supervisor Collective Bargaining Act—enactment
175	Dec 9	HB2190	PN4681	immediately	Municipal Waste Planning, Recycling and Waste Reduction Act—recycling fee sunset provisions, recycling fund, awarding of grants and recycling program development
176	Dec 9	HB2196	PN4662	90 days	Shaken Baby Syndrome Education Act—enactment
177	Dec 9	HB2256	PN4587	immediately	Social Workers, Marriage and Family Therapists and Professional Counselors Act—licensure requirements exemption
178	Dec 9	HB2296	PN3724	immediately	Allegheny, Cameron, Clearfield, Elk, Washington and Westmoreland Counties highways and interchanges—designations
179	Dec 9	HB2350	PN3262	60 days	Public Eating and Drinking Place Law—Department of Agriculture powers, school cafeteria health and safety inspections and training
180	Dec 9	HB2411	PN4509	60 days	Athletics and Sports (5 Pa.C.S.)—athlete agents
181	Dec 9	HB2424	PN3440	60 days	Dual Party Relay Service and Telecommunication Device Distribution Program Act—people or persons with disability definition expansion
182	Dec 9	HB2444	PN3545	60 days	Workers' Compensation Act—local coordinators of emergency management included as employees of municipalities
183	Dec 9	HB2445	PN4722	60 days	Crimes Code (18 Pa.C.S.)—cruelty to animals and drug trafficking sentencing and penalties
184	Dec 9	HB2456	PN3493	60 days	Deputy Sheriffs' Education and Training Act—reimbursement to counties

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
185	Dec 9	HB2595	PN4633	60 days	Second Class County Code—retirement allowance eligibility
186	Dec 9	HB2599	PN4589	90 days	Motor Vehicle Sales Finance Act—licensing, sanctions, administration, records, contracts, assignments for insurance, finance costs, refinancing, repossession and redemption, etc.
187	Dec 9	HB2644	PN4690	immed/etc	Public School Code of 1949—omnibus amendments
188	Dec 9	HB2725	PN4728	60 days	Allegheny, Bucks, Dauphin, Huntingdon, Indiana, Lancaster, Mifflin, Northumberland, Schuylkill, Snyder, Susquehanna and Westmoreland Counties highways, bridges and interchanges—designations
189	Dec 9	HB2729	PN4723	60 days	Travel and Tourism Act—enactment
190	Dec 9	HB2842	PN4719	immed/etc	Agriculture Code (3 Pa.C.S.)—Cervidae livestock operations, indemnification, depopulation incentive, Food Employee Certification Advisory Board membership and duties and employee certification
191	Dec 9	HB2898	PN4419	immediately	Conveyance—Commonwealth property in Wayne County
192	Dec 9	HB2910	PN4739	immediately	Conveyance—Commonwealth property in Allegheny, Butler, Dauphin, Fayette and Indiana Counties
193	Dec 9	HB2923	PN4588	immediately	Conveyance—Commonwealth property in Chester County
194	Dec 9	HB2924	PN4486	immediately	Conveyance—Commonwealth property in Allegheny, Centre, Chester, Crawford and Tioga Counties
195	Dec 9	HB2963	PN4635	immediately	Conveyance—Commonwealth property in Berks, Carbon, Delaware, Indiana, Somerset and Westmoreland Counties
196	Dec 9	HB2971	PN4629	immediately	Mayor and town council members—salary limitations
197	Dec 9	SB0014	PN2379	60 days	Mortgage Satisfaction Act—enactment
198	Dec 9	SB0413	PN2385	60 day	Crimes Code (18 Pa.C.S.)—Substance Abuse Education, Demand Reduction Fund and imposing assessments
199	Dec 9	SB0463	PN2445	60 days	Fish and Boat Code (30 Pa.C.S.)—mandatory boater education program establishment, passenger-carrying boat and fees
200	Dec 9	SB0460	PN2321	60 days	Check Casher Licensing Act—license terms and fees, fees and charges
201	Dec 9	SB0654	PN2386	60 days	Crimes Code (18 Pa.C.S.) and Domestic Relations Code (23 Pa.C.S.)—newborn protection
202	Dec 9	SB0813	PN2358	immediately	Workers' Compensation Act—discount rate on workers' compensation insurance policies
203	Dec 9	SB0879	PN2426	60 days	Public Utility Code (66 Pa.C.S.)—surcharge recoverability and offset and electricity supplied to organizations
204	Dec 9	SB1179	PN2441	immed/etc	Conveyance—Commonwealth property in Beaver, Bedford, Delaware, Greene, Montgomery and Northumberland Counties
205	Dec 9	SB1204	PN1547	immediately	Political subdivisions public records—record copying methods in cities and counties other than first class
206	Dec 9	SB1208	PN2388	60 days	Professional Nursing Law—State Board of Nursing duties, certified nurse practitioners' scope of practice and prescriptive authority and Drug Review Committee establishment
207	Dec 9	SB1222	PN2158	60 days	Credit Union Code (17 Pa.C.S.)—parity with Federal credit unions and involuntary dissolution
208	Dec 9	SB1242	PN2420	immediately	Pennsylvania Fish and Boat Commission Capital Budget Act for 2002-2003—enactment
209	Dec 9	SB1258	PN2421	immediately	Department of Banking Code—omnibus amendment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
210	Dec 9	SB1290	PN1699	immediately	Military and Veterans Code (51 Pa.C.S.)—Pennsylvania National Guard Authorization to operate State-owned vehicles for security purposes
211	Dec 9	SB1325	PN1990	immed/etc	Agriculture Code (3 Pa.C.S.)—animal exhibition sanitation and penalties
212	Dec 9	SB1365	PN2412	immed/etc	Liquor Code—omnibus amendments
213	Dec 9	SB1370	PN2428	immediately	Job Enhancement Act—omnibus amendments
214	Dec 9	SB1421	PN2382	immediately	Religious Freedom Protection Act—enactment
215	Dec 9	SB1452	PN2439	immed/etc	Judicial Code (42 Pa.C.S.)—omnibus amendments
216	Dec 9	SB1453	PN2450	immediately	Conveyance—Commonwealth property in Chester and Dauphin Counties
217	Dec 9	SB1478	PN2438	immediately	Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act—omnibus amendments
218	Dec 9	SB1515	PN2399	60 days	Crimes Code (18 Pa.C.S.)—harassment and stalking
219	Dec 9	SB1576	PN2365	immediately	Conveyance—Commonwealth property in Centre County
220	Dec 16	HB2302	PN4697	immed/etc	Environmental Resources (27 Pa.C.S.)—Agricultural Advisory Board establishment, powers and review and water resources planning, administration and enforcement
221	Dec 16	HB2574	PN4740	immediately	Liquor Code—retail dispensers' restrictions, unlawful acts, identification cards, limited wineries, distilleries and business hours
222	Dec 16	HB2614	PN4364	90 days	Unsolicited Telecommunication Advertisement Act—enactment
223	Dec 16	HB2741	PN4624	immediately	Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2002-2003 (line item veto)
224	Dec 16	HB2778	PN4741	immed/etc	Workforce Development Act—staff and operations, job training grants and workforce development courses
225	Dec 16	SB0831	PN2289	immediately	Optometric Practice and Licensure Act—pharmaceutical agent requirements for glaucoma treatment and drug approval
226	Dec 16	SB1402	PN2429	60 days	Crimes Code (18 Pa.C.S.)—rape, involuntary deviate sexual intercourse, aggravated indecent assault, forgery, computer offenses and penalties
227	Dec 16	SB1569	PN2393	30 days	Counterterrorism Planning, Preparedness and Response Act—enactment
2002 VETOES OF BILLS—VETO 002					
002	Dec 16	HB1553	PN4748	immed/etc	Vehicle Code (75 Pa.C.S.)—omnibus amendments

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

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[Pa.B. Doc. No. 03-1. Filed for public inspection January 3, 2003, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations; No. 379 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 17th day of December, 2002, new Pennsylvania Rule of Civil Procedure 1931 is promulgated as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately in the First, Fifth, Twenty-third and Forty-fifth Judicial Districts. This order is suspended in all other judicial districts until further order of this Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1931. Family Court Rules.

(a) *Actions Governed by These Rules.*

(1) *Divorce, Annulment, Dissolution of Marriage.*

(i) Equitable Distribution.

(ii) Alimony/Alimony Pendente Lite.

(iii) Counsel Fees, Costs and Expenses.

(2) *Child Custody.*

(i) Legal Custody.

(ii) Physical Custody.

(iii) Partial Custody/Visitation.

(3) *Support.*

(i) Child Support.

(ii) Spousal Support.

(iii) Modification and Enforcement.

(4) *Paternity.*

(5) *Protection From Abuse.*

(b) *Commencement of Action.*

(1) *Unified Family Court Docketing.* All actions under these Family Court Rules which involve identical parties shall be entered on the court's docket under the same primary case number. Additional letters or numbers may be added parenthetically to specify the type of action, judge assigned or other identifying information.

(2) *Custody Agreements.* If, at a support proceeding, it appears that resolution of custody issues will facilitate compliance with the child support order, the conference officer, hearing officer or master may provide the parties with a form custody complaint and form custody agreement, along with information as to where to file the completed documents, the filing fee and how to contact

the lawyers referral service. The support conference officer, hearing officer or master shall not participate in custody negotiations, preparation of the forms or provide legal advice.

(c) *Consolidation of Family Court Matters.*

(1) *General Rule.* Two or more actions under these Family Court Rules involving the same parties and common questions of law and/or fact shall be consolidated for hearing or trial unless the court determines that it is inappropriate or impractical to do so.

(2) *Trial Continuity.* Trials before a judge or hearings before a master shall be scheduled to be heard on consecutive days or within a ten (10) day period. If not completed within the time allotted, the trial or hearing shall be concluded within ninety (90) days of the date of the commencement of the trial or hearing, unless a shorter time frame is required by statute or another procedural rule.

(3) *Prompt Decisions.*

(i) Except as provided in subdivision (ii) below, in any matter brought under these Family Court Rules, a decision by a conference officer, master or judge shall be entered, filed and served upon counsel for the parties, or any party not represented by counsel, not later than thirty (30) days after the conference, hearing or trial concludes, unless a shorter time frame is required by statute or another procedural rule.

(ii) The time for entering and filing a decision may be extended if, within thirty (30) days of the conclusion of the conference, hearing or trial, the court extends the date for such decision by order entered of record showing good cause for the extension. In no event shall an extension delay entry of the decision more than sixty (60) days after the conclusion of the conference, hearing or trial.

(d) *Continuing Education for Family Court Personnel.*

(1) *Program Development.* Courses of instruction that include, at a minimum, the following topics shall be developed or approved by the Administrative Office of Pennsylvania Courts (AOPC):

(i) The substantive law and procedural aspects of the areas of law governed by these Family Court Rules;

(ii) Domestic violence;

(iii) Child development;

(iv) Family dynamics;

(v) Addictions and treatments;

(vi) Asset valuation;

(vii) Community resources.

(2) *Initial Training.* Within one (1) year of assignment to cases governed by these Family Court Rules, each master, hearing officer, conciliator, mediator and other court personnel designated by the president or administrative judge of each judicial district shall successfully complete the coursework developed or approved by the AOPC.

(3) *Continuing Education.* Each master, hearing officer, conciliator, mediator and other court personnel designated by the president or administrative judge who is assigned to cases governed by these Family Court Rules shall successfully complete six (6) hours of continuing educa-

tion developed or approved by the AOPC each calendar year following the calendar year in which the initial training was completed.

(4) *Compliance.* The AOPC shall monitor compliance with the educational requirements of this rule.

Explanatory Comment 2002

This new rule is suspended in all judicial districts except the First (Philadelphia), Fifth (Allegheny County), Twenty-third (Berks County) and Forty-fifth (Lackawanna County) Judicial Districts until further order of the Supreme Court of Pennsylvania.

[Pa.B. Doc. No. 03-2. Filed for public inspection January 3, 2003, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Rules of Judicial Administration 5000.7 and 5000.2(h)

And Now, this 19th day of December, 2002, it is hereby Ordered and Decreed that the Order entered September 13, 2002 is suspended indefinitely, pending further Order of the Court.

By the Court

R. BARRY MCANDREWS,
President Judge

[Pa.B. Doc. No. 03-3. Filed for public inspection January 3, 2003, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rule of Civil Procedure L1915.4-1; No. 01-1115

Amended Administrative Order 16-2002

And Now, this 16th day of December, 2002, in order to streamline the procedure and provide efficient and consistent filing procedures, it is hereby

Ordered and Decreed that effective January 1, 2003, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure L1915.4-1 governing Alternative Hearing Procedures for Partial Custody or Visitation Cases.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule L1915.4-1—Alternative Hearing Procedures for Partial Custody or Visitation Cases

1. Upon the filing of any claim for partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.

2. All actions commenced under these rules shall be scheduled for an initial conference. The initial conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

3. A continuance of the initial conference may be granted by the Court upon good cause shown.

4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.

5. If the parties are unable to agree, the hearing officer shall immediately schedule a hearing.

6. The moving party shall be responsible to secure the services/attendance of an outside court reporter for said hearing and shall be responsible for the payment of said outside court reporter unless the Court places the payment responsibility on the other party.

7. Within 10 days of the conclusion of the hearing, the hearing officer shall file and serve a copy upon all parties a report stating the reasons for the recommendation along with a proposed order including a specific schedule of partial custody or visitation.

8. If exceptions are filed, no exceptions shall be argued before the Court unless written briefs have been filed. The moving party shall file three (3) copies of a brief and exceptions with the Prothonotary's Office no later than ten (10) days after filing of the hearing officer's report, and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record. Each adverse party or his counsel of record shall file in the appropriate filing office three (3) copies of a brief in answer, not later than five (5) days after receipt of moving party's brief and forthwith serve a copy thereof upon all opposing parties or their counsel of record. All briefs shall be prepared in conformity with Local Rule L210. Transcription of the proceedings shall be filed of record by the party raising the objections. The cost of transcription shall be borne by the party filing the original exceptions unless otherwise ordered by the Court.

9. Argument shall be held within 45 days of the date that the last party files exceptions.

10. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session

entitled "Education Program for Divided Families," referred to in these local rules as "Program."

11. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

12. At the time of the filing of the Complaint/Petition, the attorney and/or unrepresented party shall attach to the Complaint/Petition and provide all parties with the Court Order requiring attendance at the Program as set forth in Exhibit "1," a registration form, and Program description.

13. The parties shall register BY MAIL for the Program within fifteen (15) days after he or she is served with the Court Order. NO RESERVATIONS WILL BE TAKEN OVER THE TELEPHONE.

14. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

15. The fee for the Program is \$35.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

16. No final hearing shall be held or final order entered until all parties have attended and completed the Program, except by leave of Court. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

17. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

18. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

Exhibit "1"

IN THE COURT OF COMMON PLEAS OF CARBON
COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

vs. :
: NO.
: CUSTODY ACTION

ORDER OF COURT

You are ORDERED to attend a program entitled "Education Program for Divided Families" in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program or by leave of Court.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

North Penn Legal Services
122-124 Iron Street
Lehigh, PA 18235
(610) 377-5400
www.northpennlegal.org

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____ J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education Program for Divided Families" is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—

building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehighnton), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Attorney or unrepresented party upon filing of a custody action.

FEES

A fee of \$35.00 per party is required and will be used to cover all program costs. The fee must be submitted with the registration form directly to the Provider. Certified check or money order will be accepted as payment. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

REGISTRATION

Register by MAIL, only. The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL, ONLY: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheads ville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2001 Registration Form—Education Program for Divided Families Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehighnton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$35.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to bad weather. You will be informed of this cancellation by telephone and given a new class date. Class dates are subject to change.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations—WYNS 11.60 A.M., WLSH 14.10 A.M., or TV WYOU-News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____ Docket Number MUST be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____
(Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone
Number: _____ (Home) _____ (Work)

SATURDAYS—9:00 A.M. TO 1:00 P.M.

Jan. 4, 2003	_____
Feb. 1, 2003	_____
March 1, 2003	_____
April 5, 2003	_____
May 3, 2003	_____
June 7, 2003	_____
July 5, 2003	_____
August 2, 2003	_____
Sept. 6, 2003	_____
Oct. 4, 2003	_____
Nov. 1, 2003	_____
Dec. 6, 2003	_____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

[Pa.B. Doc. No. 03-4. Filed for public inspection January 3, 2003, 9:00 a.m.]

CARBON COUNTY

Magisterial District 56-3-01 and Magisterial District 56-3-03; No. 00-0351 and 056MI00

Administrative Order No. 17-2002

And Now, this 18th day of December, 2002, in order to promote the efficiency of case dispositions in Magisterial District 56-3-01 and more equitably distribute the caseload in the Magisterial Districts 56-3-01 and 56-3-03 and pursuant to Rule 21(d) of the Pennsylvania Rules of Criminal Procedure, it is hereby

Ordered and Decreed, that effective immediately, the Court temporarily assigns the following classes of cases arising within the District Justice jurisdiction of Mahoning Township—Traffic, Non-Traffic Summaries, and Private Criminal—to Magisterial District 56-3-03 until further Order of this Court, but only on condition that the District Justice of Magisterial District 56-3-03 waive any right to additional compensation under 42 Pa.C.S.A., Section 4122, or otherwise.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
5. Forward one (1) copy for publication in the *Carbon County Law Journal*.
6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office and Clerk of Courts' Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 03-5. Filed for public inspection January 3, 2003, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 38th Judicial District of the Commonwealth of Pennsylvania; No. 178 Magisterial Doc. No. 1

Amended Order

Per Curiam:

And Now, this 16th day of December, 2002, upon consideration of the Petition to Reestablish the Magisterial Districts of the 38th Judicial District (Montgomery County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 38-1-04, 38-1-05, 38-1-08, 38-1-13, 38-1-17, 38-1-18, 38-1-19, 38-1-20, 38-1-23, 38-1-24, 38-1-28, 38-2-02, and 38-2-03, within Montgomery County, to be effective January 6, 2003, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 38-1-06, 38-1-07, 38-1-14, 38-1-22, and 38-2-01, within Montgomery County, to be effective January 5, 2004, is granted; and that the Petition, which provides for the elimination of Magisterial District 38-2-01, within Montgomery County, to be effective January 5, 2004, is granted; and that the Petition, which provides for the addition of Magisterial District 38-2-04, within Montgomery County, to be effective January 5, 2004, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 38-1-01, 38-1-02, 38-1-03, 38-1-09, 38-1-10, 38-1-11, 38-1-12, 38-1-15, 38-1-16, 38-1-21 and 38-1-25, within Montgomery County, as they currently exist, to be effective immediately, is granted. The newly created vacancy in Magisterial District 38-2-04 shall be filled in the 2003 municipal election.

Said Magisterial Districts shall be as follows:

Magisterial District 38-1-01	East Norriton Township
District Justice Ester J. Casillo	West Norriton Township
Magisterial District 38-1-02	Jenkintown Borough
District Justice Michael Richman	Cheltenham Township (Voting Districts 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 7-1, 7-2 & 7-3)
Magisterial District 38-1-03	Cheltenham Township
District Justice Loretta A. Leader	(Voting Districts 1-1, 1-2, 1-3, 1-4, 2-1, 2-2, 2-3, 2-4, 3-1, 3-2, 3-3, 3-4, 4-1, 4-2, 4-3 & 4-4)
Magisterial District 38-1-04	Rockledge Borough
District Justice Joseph H. Dougherty	Abington Township (Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 5-1, 5-2, 8-1, 8-2, 10-1, 10-2, 10-3, 11-2, 14-1, 14-2, 15-1 & 15-2)

Magisterial District 38-1-05 District Justice Juanita Price	Abington Township (Voting Districts 2-3, 3-1, 3-2, 3-3, 4-1, 4-2, 6-1, 6-2, 7-1, 7-2, 7-3, 9-1, 9-2, 11-1, 11-3, 12-1, 12-2, 12-3, 13-1, 13-2 & 13-3)	Magisterial District 38-1-19 District Justice Walter F. Gadzicki, Jr.	Royersford Borough Limerick Township Upper Providence Township (Voting Districts Mingo 1, 2, Trappe & Mont Clare)
Magisterial District 38-1-06 District Justice Henry H. Schireson	Lower Merion Township (Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 3-1, 3-2, 3-3, 6-1, 6-2, 6-3, 9-2, 9-3 & 11-3)	Magisterial District 38-1-20 District Justice Benjamin R. Crahalla	Collegeville Borough Trappe Borough Lower Providence Township Upper Providence Township (Voting District Oaks)
Magisterial District 38-1-07 District Justice Kathleen M. Valentine	Narberth Borough Lower Merion Township (Voting Districts 4-1, 4-2, 4-3, 5-1, 5-2, 5-3, 8-2, 8-4, 10-1, 10-2, 10-3, 11-1 & 11-2)	Magisterial District 38-1-21 District Justice John S. Murray, III	North Wales Borough Lower Gwynedd Township Upper Gwynedd Township Whitpain Township
Magisterial District 38-1-08 District Justice William R. Householder	Springfield Township	Magisterial District 38-1-22 District Justice Harry J. Nesbitt, III	Horsham Township (Voting Districts 1-1, 1-2, 1-3, 1-4, 2-1, 2-2, 2-3, 2-4 & 2-5)
Magisterial District 38-1-09 District Justice William I. Maruszczak	West Conshohocken Borough Upper Merion Township (Voting Districts Gulph 1, 2, King 1, 2, Roberts, Swedeland & Swedesburg)	Magisterial District 38-1-23 District Justice Deborah A. Lukens	Conshohocken Borough (Voting Districts 2, 3, 5, 7) Whitemarsh Township
Magisterial District 38-1-10 District Justice Patricia Zaffarano	Ambler Borough Upper Dublin Township	Magisterial District 38-1-24 District Justice Albert J. Augustine	Schwenksville Borough Lower Salford Township Perkiomen Township Skippack Township Worcester Township
Magisterial District 38-1-11 District Justice Thomas A. Palladino	Pottstown Borough (Voting Districts 1-1, 2-1, 2-2, 3-1, 3-2 & 4) Upper Pottsgrove Township West Pottsgrove Township	Magisterial District 38-1-25 District Justice John L. Kowal	Bridgeport Borough Upper Merion Township (Voting Districts Belmont 1, 2, 3, 4, 5 & Candlebrook 1 & 2)
Magisterial District 38-1-12 District Justice John J. Durkin	Pottstown Borough (Voting Districts 1-2, 5, 6 & 7) Lower Pottsgrove Township	Magisterial District 38-1-28 District Justice Harold Borek	Lansdale Borough Towamencin Township
Magisterial District 38-1-13 District Justice Francis Bernhardt	Conshohocken Borough (Voting Districts 1, 4 & 6) Plymouth Township	Magisterial District 38-2-02 District Justice Catherine M. Hummel Fried	East Greenville Borough Green Lane Borough Pennsburg Borough Red Hill Borough Marlborough Township Salford Township Upper Hanover Township Upper Salford Township
Magisterial District 38-1-14 District Justice Paul N. Leo	Hatboro Borough Horsham Township (Voting Districts 3-1, 3-2, 3-3, 3-4 & 3-5) Upper Moreland Township (Voting Districts 2-1, 2-2, 3-2, 5-1, 5-2, 7-1 & 7-2)	Magisterial District 38-2-03 District Justice Dorothy Skerchock	Douglass Township Lower Frederick Township New Hanover Township Upper Frederick Township
Magisterial District 38-1-15 District Justice Francis J. Lawrence, Jr.	Norristown Borough (Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2 & 3-1)	Magisterial District 38-2-04 District Justice To be Determined	Lower Merion Township (Voting Districts 7-1, 7-2, 7-3, 8-1, 8-3, 9-1, 12-1, 12-2, 12-3, 13-1, 13-2, 13-3, 14-1, 14-2 & 14-3)
Magisterial District 38-1-16 District Justice Robert Saraceni	Norristown Borough (Voting Districts 2-3, 3-2, 3-3, 4-1, 4-2 & 4-3)	Magisterial District 38-2-08 District Justice Stephen H. Silverman	Bryn Athyn Borough Lower Moreland Township Upper Moreland Township (Voting Districts 1-1, 1-2, 3-1, 4-1, 4-2, 6-1 & 6-2)
Magisterial District 38-1-17 District Justice Kenneth Deatelhauser	Hatfield Borough Souderton Borough Telford Borough Franconia Township Hatfield Township (Voting Districts 2, 3 & 4)		
Magisterial District 38-1-18 District Justice David A. Keightly	Hatfield Township (Voting Districts 1 & 5) Montgomery Township		

[Pa.B. Doc. No. 03-6. Filed for public inspection January 3, 2003, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Robert E. Carey having been disbarred from the practice of law in the State of Delaware by Order dated July 16, 2002, the Supreme Court of Pennsylvania issued an Order on December 17, 2002, disbarring Robert E. Carey from the Bar of this Commonwealth, effective January 16, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 03-7. Filed for public inspection January 3, 2003, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Kirk Douglas Rhodes having been Disbarred on Consent from the practice of law in the State of New Jersey by Order dated July 25, 2002, the Supreme Court of Pennsylvania issued an Order on December 17, 2002, disbarring Kirk Douglas Rhodes from the Bar of this Commonwealth, effective January 16, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 03-8. Filed for public inspection January 3, 2003, 9:00 a.m.]

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 14, 2002, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 14, 2002 for Compliance Group 1 due April 30, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Mark D. Abramson
Runnemede, NJ

Claire P. Asselta
Hainesport, NJ

Michael T. Baker
Binghamton, NY

Jeffrey F. Belz
Cherry Hill, NJ

William R. Biviano
Warren, OH

Rayna C. Boone
Naperville, IL

Harley D. Breite
Wayne, NJ

Benoit O. Brookens
Washington, DC

Adrienne A. Brown
Washington, DC

Robert T. Bruns
Cincinnati, OH

Marianne Bryant
Cherry Hill, NJ

W. Dawn Busby
Washington, DC

Jacqueline E. Caban
Woodbury, NJ

Fortunato J. Calabro
Staten Island, NY

Vincent A. Campo
Cherry Hill, NJ

Leann R. Canter
Orlando, FL

Michael D. Carr
Wilmington, DE

Clayborne E. Chavers
Washington, DC

Megan E. Cleghorn
Wilmington, DE

Frank N. Fisanich
China

John B. Furman
Scottsdale, AZ

Paul A. Gardon
Hainesport, NJ

William M. Gilmore
Norwalk, CT

Steven E. Ginsberg
Brooklyn, NY

Stephanie D. Glenn
New Rochelle, NY

Clare I. Godholm
Northport, ME

Mitchell A. Goldman
Los Angeles, CA

Lee M. Gottlieb
Linwood, NJ

Harry T. Guenther
Naples, FL

Justin C. Harding
Alexandria, VA

Richard T. Hayden
Washington, DC

John I. Haymond
Hartford, CT

Daniel D. Hediger
Oradell, NJ

Francis C. Heyduk
Cherry Hill, NJ

Thomas J. Hornbeck
Cherry Hill, NJ

Joseph Joch
Ithaca, NY

Kevin M. Kelly
Wilmington, DE

Shawn Kelly
New York, NY

Jason M. Kuhn
Tampa, FL

Bernard Lambert
Newark, NJ

John Joseph Lipinski
Sugar Land, TX

Joseph K. Lobue
Richmond Hill, NY

James E. Lubarsky
Bloomfield, NJ

Calixto Martin
Fanwood, NJ

Elizabeth R. T. Means
Gloucester, MA

John P. Mohnacs
West Deptford, NJ

Michael A. Munafò
Parkville, MD

Jay W. Nash
Perth Amboy, NJ

Harry J. Negro
Princeton, NJ

Kevin K. O'Brien
Houston, TX

Richard S. Panitch
Clark, NJ

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James C. Riley
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Carson City, NV

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Hanover, MD

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Kenneth A. Skarka
Loudonville, NY

Andreas V. Smith
Arlington, VA

Mark K. Smith
Princeton, NJ

Karen L. Steinbach
Princeton, NJ

Eric E. Sterling
Silver Spring, MD

David P. Stewart
Madison, NC

Edward J. Sullivan
Bay Shore, NY

Thomas W. Sumners Jr.
Lawrenceville, NJ

Joseph T. Threston III
Riverton, NJ

Charles B. Turner
Brooklyn, NY

Stephen F. Wahl
Arlington, TX

Kevin B. Walker
Morristown, NJ

DeVan D. Washington
Upper Marlboro, MD

Anthony J. Webb
San Jose, CA

Lloyd M. Winans
Northvale, NJ

Brian R. Yoshida
Orchard Park, NY

David Zlotnick
San Diego, CA

ELAINE M. BIXLER,
Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 03-9. Filed for public inspection January 3, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 23]

State Forest Picnic Areas

The Department of Conservation and Natural Resources (Department), Bureau of Forestry, adopts amendments to Chapter 23 (relating to State forest picnic areas). This chapter has not been revised since it was promulgated in 1979. The amendments improve the protection of State forest resources and safety of visitors.

The amendments also eliminate provisions in Chapter 23 that duplicate provisions in Chapter 21 (relating to general provisions) or that would more appropriately be in the form of camping permit conditions.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information, contact William R. Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, P.O. Box 8552, Harrisburg, PA 17105-8552; (717) 783-7941; fax (717) 783-5109; or forestrecreation@state.pa.us.

Persons with disabilities may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This final-form rulemaking is available electronically through the Department's website at www.dcnr.state.pa.us/forestry.

C. *Statutory Authority*

This final-form rulemaking is made under the authority in sections 302, 313 and 502 of the Conservation and Natural Resources Act (71 P.S. §§ 1340.302, 1340.313 and 1340.502) and 18 Pa.C.S. §§ 7505 and 7506 (relating to violation of governmental rules regarding traffic; and violation of rules regarding conduct on Commonwealth property).

D. *Background and Purpose*

Under Executive Order 1996-1, "Regulatory Review and Promulgation," the Department reviewed Chapter 23 and determined that it needed to be updated and streamlined. This final-form rulemaking is intended to accomplish these objectives.

E. *Summary of Comments and Responses and Changes Made in the Final-Form Rulemaking*

This final-form rulemaking was published as proposed at 32 Pa.B. 2851 (June 8, 2002), with a 60-day public comment period. As a result of comments received from the public and from the Independent Regulatory Review Commission (IRRC), the Department made a number of changes to the proposed rulemaking. The comments and changes are discussed as follows.

Comment

Section 23.22(d) (relating to miscellaneous prohibitions) of the previous regulations that prohibited disorderly conduct and obscene or lewd acts or dress should not be deleted. Even though these activities are covered by 18 Pa.C.S. (relating to the Crimes Code), it is more difficult for Department personnel to enforce the Crimes Code than to enforce its own regulations.

Response

The provision that was deleted from § 23.22(d) in the proposed rulemaking has been restored in this final-form rulemaking with a modification. The deleted provision prohibited disorderly conduct and obscene or lewd acts or dress. In this final-form rulemaking, that provision remains deleted from § 23.22, but a new section has been added which contains that provision. New § 23.24 (relating to disorderly, indecent, obscene, lewd conduct) adds indecent exposure to the activities that are prohibited. This provision is being retained in Chapter 23 because some State forest districts do not have DCNR rangers on staff to patrol picnic areas and therefore must rely on noncommissioned State forest officers for enforcement activities. Noncommissioned State forest officers do not have the authority to enforce the Crimes Code but do have the authority to enforce State forest regulations.

Comment

Sections 23.11(c)(1) and 23.22 (relating to schedule; and organized events) include the phrases "written permission of the Department" or "written authorization of the Department." Section 23.16 (relating to fires) references § 21.62(b) (relating to open fires), which includes the phrase "authorization from the District Forester or a designee." The final-form rulemaking should describe how to apply for "approval" or indicate where this information is available.

Response

In § 23.22, the word "authorization" has been replaced with "permission" to make it consistent with the language used in § 23.11(c)(1). "Permission of the Department" is defined in § 23.1 (relating to definitions) of the final-form rulemaking as "approval obtained from a district forester or designee."

Comment

Section 23.11(b) (relating to schedule) states: "A State forest picnic area may be closed by the Department to public use." The final-form rulemaking should identify how the public will be notified of a closure.

Response

This subsection and § 23.11(c) have been deleted in the final-form rulemaking because they duplicate provisions in § 21.4 (relating to State Forests—closure). Section 21.4(b) states that the public will be informed of the closure by "any form of communication, which may include posted signs, or by fencing or other enclosure manifestly designed to exclude intruders."

Comment

Section 23.15 (relating to trash and garbage disposal) which was entitled "litter" in the previous and proposed regulation, states that trash accumulated during the use of a picnic area may be placed in trash containers found in those areas. This revised section does not address litter. It addresses trash and garbage accumulated while

in a picnic area. The commentator recommended that the title of this section be changed to more accurately reflect the subject matter addressed.

Response

The heading of § 23.15 has been changed in the final-form rulemaking to "trash and garbage disposal."

Comment

Under § 23.16(a), "open fires" are permitted in "designated facilities," but neither term is defined. The Department should either define or provide examples of these terms in the final-form rulemaking.

Response

To clarify this subsection, the word "open" has been deleted, and the term "designated facilities" has been replaced with "fire rings and fireplaces provided by the Department." In addition, to make it clear that visitors may bring gas grills and camp stoves to picnic areas, the final-form rulemaking states that fires will be permitted in these appliances.

Comment

Section 23.16(d) refers to § 21.62(b) that prohibits "open fires" in picnic areas from March 1 through May 25 and from October 1 through December 1 without authorization from a district forester. Is this prohibition needed since § 23.16(a) only allows fires in designated facilities? If the reference is retained, the term "open fires" needs to be used consistently in both § 23.16 and § 21.62.

Response

As discussed in response to the previous comment, the words "open" and "designated facilities" have been deleted in § 23.16(a) for purposes of clarification. Consistent with this change, § 23.16(d) has been clarified in the final-form rulemaking to state that fires in fire rings and fireplaces are subject to the prohibitions in § 21.62(b).

Comment

Section 23.22 (relating to organized events) requires written authorization from the Department for an "instruction, exhibition, competition, demonstration or other organized or special event" but does not define these events or indicate a minimum number of participants. The section should clearly state what specific activities require a permit. It should also specify the minimum number of people that constitute a group or event.

Response

Because of the wide variety of events that could be covered by this section and because of the many factors that could affect the impact of a particular group or event in a particular picnic area at a particular time, it would be impossible to adequately define those events and to specify a minimum number of participants. Examples of events that are covered by this section are day camps, family reunions, church services and archery instruction. Organized events for which picnic areas are used as staging areas are also covered by this section. Examples are ice skating, running, walking, bicycling events, motorcycle competitions, motorcycle rides, sports car rallies, orienteering competitions and fishing derbies.

The picnic area regulations have always included an organized event provision similar to this one. The provision has been understandable to the public and has provided the necessary flexibility for forest districts to work with the public in accommodating many kinds of activities. For these reasons, the Department has not added the specificity suggested by the comment.

In addition to the changes made in this final-form rulemaking in response to comments it received on the proposed rulemaking, the Department also made a change as a result of its own review of the proposed rulemaking. In the proposed rulemaking, § 23.12 (relating to motor vehicles) was deleted because it duplicated provisions in § 21.21 (relating to motor vehicles), which applies to all State forest land including picnic areas. In the final-form rulemaking, the provision that was in § 23.12(c) has been restored (with a minor editorial modification) because it prohibits nuisance operation of motor vehicles. It has been useful for prosecuting persons who, for example, repeatedly cruise picnic loops, annoying picnickers.

F. Benefits, Compliance Costs

Executive Order 1996-1 requires a cost/benefit analysis of the final-form rulemaking.

Benefits

Visitors to the 27 State forest picnic areas will benefit from the improved protection of, and recreational opportunities in, these areas.

Compliance Costs

The amendments to Chapter 23 impose no additional costs or paperwork requirements on the general public, local governments or the private sector. The amendments will result in the negligible cost to the Commonwealth of posting camping permit conditions for Asaph and County Bridge State forest picnic areas.

G. Sunset Review

Chapter 23 will be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 22, 2002, the Department submitted a copy of this proposed rulemaking, published at 32 Pa.B. 2851, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comment received during the public comment period. In preparing this final-form rulemaking, the Department has considered comments from IRRC and the public. No comments were received from the legislative committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 14, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 21, 2002, and approved the final-form rulemaking.

I. Order

The Department acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 17 Pa. Code Chapter 23, are amended by amending §§ 23.1—23.3, 23.11, 23.12, 23.14—23.17, 23.20 and 23.22; deleting §§ 23.13, 23.18, 23.19, 23.21 and 23.41—23.47; and by adding §§ 23.23 and 23.24 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and the Office of

Attorney General for approval and review as to legality and form, as required by law.

(c) The Department shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN C. OLIVER,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5593 (November 9, 2002).)

Fiscal Note: Fiscal Note 7B-4 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart C. STATE FORESTS

CHAPTER 23. STATE FOREST PICNIC AREAS

PRELIMINARY PROVISIONS

§ 23.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Permission of the Department—Approval obtained from a district forester or a designee.

State forest picnic area or *picnic area*—An area on State forest land designated by the Department as a State forest picnic area.

§ 23.2. Application.

State forest picnic areas are subject to Chapter 21 (relating to general provisions) and this chapter.

§ 23.3. Violations.

(a) A person who engages in an act which is prohibited by § 21.21 or § 21.25 (relating to State Forests—motor vehicles; and State Forests—parking) commits a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic).

(b) A person who engages in an act which is prohibited by this chapter, other than an act prohibited by § 21.21 or § 21.25, commits a summary offense under 18 Pa.C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property).

MISCELLANEOUS PROVISIONS

§ 23.11. Schedule.

(a) State forest picnic areas are open to the public between sunrise and sunset.

(b) Except as provided in subsection (c) or except with written permission of the Department, entering, using or remaining in a State forest picnic area when it is not open to the public under subsection (a) is prohibited.

(c) Entering a State forest picnic area when it is not open to the public under subsection (a) is permitted for

the purpose of fishing or gaining access to another area of State forest land that is open for public use.

§ 23.12. Motor vehicles.

Operation of a motor vehicle in a manner that is reckless or negligent or that creates a nuisance or excessive noise is prohibited.

§ 23.13. (Reserved).

§ 23.14. Alcoholic beverages.

Possession or consumption of alcoholic beverages is prohibited.

§ 23.15. Trash and garbage disposal.

If containers for disposal of trash and garbage are provided by the Department, trash and garbage accumulated during use of a State forest picnic area may be placed in these containers. Disposing of any other material in these containers is prohibited.

§ 23.16. Fires.

(a) Fires are permitted in fire rings and fireplaces provided by the Department and in gas grills and camp stoves. Charcoal fires are permitted in appliances designed for that purpose. Other fires are prohibited.

(b) Disposing of hot charcoal except in a facility designated by the Department for charcoal disposal is prohibited.

(c) Leaving a fire that has not been completely extinguished is prohibited.

(d) Fires in fire rings and fireplaces are subject to the prohibition in § 21.62(b) (relating to open fires).

§ 23.17. Hunting, trapping and shooting.

Hunting, trapping and the discharge of firearms, bows and arrows, or other devices capable of launching projectiles are prohibited.

§ 23.18. (Reserved).

§ 23.19. (Reserved).

§ 23.20. Pets.

Pets are prohibited unless they are on a leash not exceeding 6 feet and are attended at all times.

§ 23.21. (Reserved).

§ 23.22. Organized events.

An instruction, exhibition, competition, demonstration or other organized activity or special event is prohibited without written permission of the Department.

§ 23.23. Removal of facilities.

Removal from State forest picnic areas of picnic area facilities, including picnic tables, grills, fire rings, or containers for disposal of trash, garbage or charcoal is prohibited.

§ 23.24. Disorderly, indecent or obscene or lewd conduct.

Disorderly conduct, indecent exposure, and obscene or lewd acts or dress is prohibited.

§§ 23.41—23.47. (Reserved).

[Pa.B. Doc. No. 03-10. Filed for public inspection January 3, 2003, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 165]

Workers' Compensation Security Fund

The Insurance Department (Department) adopts Chapter 165 (relating to Workers' Compensation Security Fund) to read as set forth at 32 Pa.B. 3398 (July 13, 2002) and as set forth in Annex A.

Statutory Authority

This final-form rulemaking is adopted under the authority of sections 205, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Workers Compensation Security Fund Act (act) (77 P. S. §§ 1051—1066).

Comments and Response

Notice of proposed rulemaking was published at 32 Pa.B. 3398 with a 30-day comment period. During the 30-day comment period, comments were received from the Alliance of American Insurers (AAI) and the Insurance Federation of Pennsylvania, Inc. (IFP).

During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to those comments.

The AAI stated that the Department's regulation, particularly § 165.7 (relating to assessment) should be consistent with the statute provisions under section 5 of the act (77 P. S. § 1055) which limits the assessment on an insurer to 1% of its net written premiums for the period covered by its annual return. The statute also provides for the elimination of the assessment when the aggregate amount of payments into the fund, along with accumulated interest, less expenditures and known liabilities, is equal to 5% of the loss reserves of all insurers and reciprocal exchanges. The AAI then stated that when the amount in the fund is reduced below the 5% of the loss reserves, the assessment on insurers is resumed. And since the remainder of the rule mirrors the statutory provisions, § 165.7 should also mirror the statutory provisions relating to the contribution made to the fund by insurers.

Apparently, the AAI was not aware that the intent of the General Assembly was to eliminate an assessment unless absolutely needed. The act indicates that the amendments to section 5 of the act and section 10 of the act (77 P. S. § 1060) would take effect on the effective date of the regulations promulgated under section 9(1) of the act (77 P. S. § 1059(1)). It is the Department's intent to eliminate the assessment, in accordance to the General Assembly's wishes, until absolutely necessary. The formula that the Department has suggested in § 165.7 meets that intention and is appropriate; therefore, the Department has not changed the section as requested by the AAI.

The IFP stated that as the Department has closely followed the language of Act 49, the Federation had no comments to the Department's proposed language. The IFP supported the prompt promulgation of the chapter and looks forward to working with the Department on areas of mutual concern during its implementation.

Department Thanks the IFP for its Support on this Rulemaking

IRRC during its review had only two concerns. First, in § 165.7, subsection (c) stated, "The assessment, when necessary, will be billed by December 31 of the year subsequently, used in the actuarial study." The reference to "the year subsequently used in the actuarial study" is confusing. It was IRRC's understanding that the bill will be issued by December 31 of the year in which the actuarial study is completed. IRRC suggested that subsection (c) should be amended in the final-form rulemaking to clearly reflect the timing of the bill. IRRC also wanted the Department to consider using an example to clarify this subsection.

Second, IRRC noted that in subsection (d), the word "be" should be deleted in the phrase "is be due by March 31."

The Department has no problem with the clarification as requested and has changed subsection (c) to read "The assessment, when necessary, will be billed by December 31 of the year that the actuarial study is completed. (Example: Data from the 2002 calendar year is used, the actuarial study is completed in 2003, then the assessment will be made by December 31, 2003.)"

The Department also corrected subsection (d). This error was due to a change that was made in the publishing of the proposed rulemaking and was not in the original proposed rulemaking as submitted by the Department to the Legislative Committees and IRRC.

Affected Parties

The final-form rulemaking applies to insurance companies doing the business of workers' compensation insurance companies in this Commonwealth.

Fiscal Impact

State Government

There will be no increase in cost to the Department due to the adoption of this final-form rulemaking.

General Public

The adoption of this final-form rulemaking will not impose additional costs on the general public.

Political Subdivisions

The adoption of this final-form rulemaking will not impose additional costs on political subdivisions.

Private Sector

This rulemaking may result in a savings of \$1 million dollars to the private sector (insurance industry) over a 5-year period.

Paperwork

This final-form rulemaking will not result in any additional paperwork requirement on the Department.

Effectiveness/Sunset Date

This rulemaking will become effective upon final publication in the *Pennsylvania Bulletin* as final-form regulations. No sunset date has been assigned.

Contact person

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. In addition, questions may be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 25, 2002, the Department submitted a copy of the proposed rulemaking to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered all comments received from IRRC, the Committees and the public. Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final form rulemaking was deemed approved by the House and Senate Committees on November 14, 2002. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 21, 2002, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, are amended by adding §§ 165.1—165.6 and 165.8 to read as set forth at 32 Pa.B. 3398; and by adding § 165.7 to read as set forth in Annex A.

(b) The Commissioner shall submit this order, 32 Pa.B. 3398 and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order, 32 Pa.B. 3398 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The rulemaking adopted by this order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 32 Pa.B. 6016 (December 7, 2002).)

Fiscal Note: Fiscal Note 11-210 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

**CHAPTER 165. WORKERS' COMPENSATION
SECURITY FUND**

§ 165.7. Assessment.

(a) The amount of an assessment will be determined by using the actuarial services described in § 165.5 (relating to administration).

(b) Every carrier, doing the business of workers' compensation insurance in this Commonwealth, will be assessed, based on a prorata share of the total amount of net-written premiums of workers' compensation insurance reported as written in the previous calendar year's annual statement.

(c) The assessment, when necessary, will be billed by December 31 of the year that the actuarial study is completed. (Example: Data from the 2002 calendar year is used, the actuarial study is completed in 2003, then the assessment will be made by December 31, 2003.)

(d) Payment of the assessment, when applicable, is due by March 31 of the year following the assessment.

[Pa.B. Doc. No. 03-11. Filed for public inspection January 3, 2003, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

Reasonable Assurance

The Department of Labor and Industry (Department) adds § 65.161 (relating to reasonable assurance) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is promulgated under section 201(a) of the Unemployment Compensation Law (law) (43 P.S. § 761(a)), which authorizes the Department to adopt and amend rules and regulations necessary to administer the law.

Background and Purpose

The purpose of this final-form rulemaking is to bring the Commonwealth unemployment compensation (UC) eligibility criteria into conformity with the United States Department of Labor's (USDOL) requirements under section 3304(a)(6)(A) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C.A. § 3304(a)(6)(A)) with regard to a principle known as "reasonable assurance."

FUTA requires the states to deny UC benefits based on services in an instructional, research or principal administrative capacity for an educational institution, for any week between 2 academic years or terms, if the claimant performed services in any of those capacities in the first year or term and there is a contract or reasonable assurance that the claimant will perform services in any of those capacities in the second year or term. States must also deny benefits based on services in an instructional, research or principal administrative capacity for an educational institution, for any week during a vacation

period or holiday recess, if the claimant performed services in any of those capacities before the vacation or holiday and there is a reasonable assurance that the claimant will perform services in any capacity after the vacation or holiday. States may deny benefits based on services for an educational institution in a capacity other than instructional, research or principal administrative, for any week between 2 academic years or terms, or any week during a vacation period or holiday recess, if the claimant performed these services in the first year or term or before the vacation or holiday and there is a reasonable assurance that the claimant will perform services in any capacity in the second year or term or after the vacation or holiday. These denial provisions also apply to claimants who are employed by an educational service agency. These provisions apply to governmental and nonprofit educational institutions and educational service agencies (collectively, educational employers). See section 3304(a)(6)(A) of FUTA.

The USDOL imposes requirements on the states regarding the interpretation and application of the statute. Unemployment Insurance Program Letter 4-87 (52 FR 3889) sets forth the USDOL's official interpretation of "reasonable assurance" in FUTA. It provides that a reasonable assurance of employment in the second academic period exists only if there is a bona fide offer of employment and the economic terms and conditions of the employment in the second academic period are not substantially less than the terms and conditions of the claimant's employment in the first academic period. For example, if a full-time teacher is given an offer to return to work as a part-time substitute teacher in the following academic year, employment in the second academic period would not be economically equivalent to employment in the first academic period, as required by the USDOL. Therefore, there is no reasonable assurance and the teacher should be eligible for benefits for the summer.

The Commonwealth's implementation of the FUTA provisions regarding the eligibility of employees of educational employers is found in section 402.1 of the law (43 P. S. § 802.1). Section 402.1(1) and (2) of the law denies benefits based on services for an educational institution, for any week between 2 academic years or terms. Paragraph (1) applies to services in an instructional, research or principal administrative capacity. Paragraph (2) applies to services in any other capacity. Paragraph (3) denies benefits based on services in any capacity for an educational institution, for any week during a vacation period or holiday recess. Paragraph (4) extends the denial provisions of paragraphs (1)–(3) to services performed in the employ of an educational service agency. The denial provisions of section 402.1 of the law require the existence of a contract or reasonable assurance of employment in the second academic period.

Currently, the Commonwealth does not include economic equivalency as a necessary element of reasonable assurance. In *Musko v. Unemployment Compensation Bd. of Review*, No. 2740 C. D. 1997 (Pa. Cmwlth., filed June 23, 1998) (unreported), appeal denied, 558 Pa. 624, 737 A.2d 745 (1999), the claimant was a full-time school teacher in the first academic year and received an assurance of returning to work as a per diem or long-term substitute teacher in the second academic year. Commonwealth Court held that the claimant was ineligible for benefits for the summer because he worked in an instructional capacity in the first year and had an assurance of returning to work in an instructional capacity for the second year. However, the economic terms and conditions of the position offered to him for the second year were

substantially less than the terms and conditions of his job in the first year. If the economic equivalency test had been applied as required by the USDOL, the claimant would have been eligible for UC benefits.

To conform to FUTA, the Commonwealth and other states can deny benefits to employees of educational employers only to the extent authorized by Federal law. In *Musko*, the Commonwealth went beyond the scope of the Federal law as interpreted by the USDOL when it denied benefits to a claimant who was not offered an economically equivalent position for the next school year. As a result, the USDOL informed the Department that it was out of conformity with the Federal law.

To conform to the USDOL's reasonable assurance requirements, the Department adopts this final-form rulemaking.

Comments

The Department published a notice of the proposed rulemaking at 31 Pa.B. 1564 (March 24, 2001). Under the 30-day public comment period, the Department received comments from the Interstate Tax Service Bureau (ITSB). The Senate Labor and Industry Committee and the House Labor Relations Committee (Committees) did not comment. The Independent Regulatory Review Commission (IRRC) submitted one comment to the Department.

Comment: ITSB stated that the Commonwealth is following the USDOL's interpretation of reasonable assurance and that *Musko* is an isolated departure from Federal requirements.

Response: The Commonwealth does not include economic equivalency in its analysis of reasonable assurance, as required by the USDOL. Although *Musko* is the case that precipitated notice from the USDOL that the Commonwealth is out of conformity with Federal law, it is not a unique case. There are other similar cases when a claimant was denied benefits, but likely would have been granted benefits if economic equivalency had been a factor. *Neshaminy School District v. Unemployment Compensation Bd. of Review*, 426 A. 2d 1245 (Pa. Cmwlth. 1981) (long-term substitute teacher converted to day to day substitute teacher for next school year); *Richland School District v. Unemployment Compensation Bd. of Review*, 459 A. 2d 1358 (Pa. Cmwlth. 1983) (tenured, contract teacher and tenured, preferred substitute teacher placed on substitute call list for next year); *Board of Education, School District of Philadelphia v. Unemployment Compensation Bd. of Review*, 609 A. 2d 596 (Pa. Cmwlth. 1992) (long-term substitute teachers converted to per diem substitute teachers for following year).

Comment: ITSB was concerned that the requirements for a "bona fide offer of employment" under the final-form rulemaking will be the same as the requirements for an offer of work under section 402(a) of the law (43 P. S. § 802(a)).

Response: Under section 402(a) of the law, a claimant may be ineligible for benefits if the claimant refuses an offer of suitable work. Section 402(a) of the law requires an unconditional offer of work and a guarantee of employment if the offer is accepted. *McKeesport Hospital v. Unemployment Compensation Bd. of Review*, 619 A.2d 813 (Pa. Cmwlth. 1992). The requirements under section 402(a) of the law will not extend to the final-form rulemaking, as the analysis under section 402(a) of the law is different than the analysis under section 402.1 of the law. Section 402.1 of the law requires only a reasonable assurance of employment. While a possibility or hope of employment does not rise to the level of reasonable

assurance, there need not be a guarantee of employment. Reasonable assurance necessitates mutual commitment or assurance between the teacher and the educational employer, so the teacher has a reasonable expectation of employment in the next academic period. *McCuen v. Unemployment Compensation Bd. of Review*, 486 A. 2d 552 (Pa. Cmwlth. 1985).

Comment: ITSB commented that the rulemaking contradicts section 402.1 of the law.

Response: Section 402.1(1) of the law and the final-form rulemaking are not inconsistent. Under section 402.1(1) of the law, a claimant is ineligible for benefits between academic periods if the claimant worked in an instructional, research or principal administrative capacity during the first academic period and has a reasonable assurance of returning to work in one of those capacities for the second academic period. The final-form rulemaking does not contravene the provision in section 402.1(1) of the law that a claimant is ineligible for benefits if the claimant has a reasonable assurance of reemployment, or the requirement that reasonable assurance relate to employment in specified capacities. Rather, the regulation defines reasonable assurance and sets forth criteria that must be met for reasonable assurance to exist.

Comment: IRRC stated that the final-form rulemaking should include factors that will be used to determine whether the economic terms and conditions of the employment offered to the claimant for the second academic period are, or are not, substantially less than the terms and conditions of the claimant's employment in the first academic period.

Response: The Department agrees with IRRC's comment. The Department added subsection (c) to the final-form rulemaking, which provides that economic terms and conditions of employment include wages, benefits and hours of work. Therefore, these factors will be used to compare the employment offered to the claimant for the second academic period with the claimant's employment in the first academic period.

Effective Date

The final-form rulemaking will be effective immediately upon publication in the *Pennsylvania Bulletin*.

The final-form rulemaking will apply to applications for benefits effective on or after the date of publication.

Fiscal Impact

The final-form rulemaking is necessary to bring the law into conformity with FUTA and avoid substantial adverse impact to the Commonwealth. If the Commonwealth does not adopt the rulemaking and is adjudged to be out of conformity with Federal law, the Secretary of the USDOL would withdraw FUTA certification from the Commonwealth. This would abrogate administrative funding for both the UC system and the employment service. In addition, Commonwealth employers would lose the FUTA tax credits to which they are entitled by paying State UC taxes. The loss of administrative funding and tax credits would cost the Commonwealth approximately \$1.95 billion annually, based on figures for the 1998 calendar year, 1998-1999 program year and 1998-1999 fiscal year.

It is uncertain whether the final-form rulemaking will have a fiscal impact on the UC Fund. Employees of educational employers who are not given a reasonable assurance of returning to work, in accordance with the regulation, would be eligible for UC benefits. However, eligibility for these employees could prompt affected

employers to provide the level of reasonable assurance required by the final-form rulemaking, and cause an eventual decrease in benefit payments.

An increase in the cost of administering the UC program would be nominal, because no measurable increase in personnel, time or resources will be necessary to administer section 402.1 of the law as impacted by the final-form rulemaking.

Paperwork Requirement

No new paperwork is required.

Sunset Date

The final-form rulemaking will be monitored through practice and application. Thus, no sunset date is designated.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B. 1564, to IRRC and to the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the public and stakeholders. The Department received no comments from the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 17, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 24, 2002, and approved the final-form rulemaking.

Contact Person

Questions regarding this final-form rulemaking may be directed to Jeri Morris, Department of Labor and Industry, Bureau of Unemployment Compensation Benefits and Allowances (BUCBA), 6th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121, (717) 787-6337, jemorris@state.pa.us.

Findings

The Department finds that:

(1) The Department gave public notice of its intention to promulgate this regulation under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments received were considered.

(3) This final-form regulation does not enlarge the purpose of the proposed regulation published at 31 Pa.B. 1564.

(4) This regulation is necessary and appropriate for the administration of the law.

Order

The Department, acting under the authority of the law, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by adding § 65.161 to read as set forth in Annex A.

(b) The Secretary of Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Secretary of Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*, and apply to applications for benefits effective on or after the date of publication.

JOHNNY J. BUTLER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: Fiscal Note 12-56 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 65. EMPLOYEE PROVISIONS

Subchapter I. BENEFITS BASED ON SERVICE FOR EDUCATIONAL INSTITUTIONS

Sec.

65.161. Reasonable assurance.

§ 65.161. Reasonable assurance.

(a) For purposes of section 402.1 of the law (43 P. S. § 802.1), a contract or reasonable assurance that an individual will perform services in the second academic period exists only if both of the following conditions are met:

(1) The educational institution or educational service agency provides a bona fide offer of employment for the second academic period to the individual.

(2) The economic terms and conditions of the employment offered to the individual for the second academic period are not substantially less than the terms and conditions of the individual's employment in the first academic period.

(b) For the purposes of subsection (a), an offer of employment is not bona fide if both of the following conditions exist:

(1) The educational institution or educational service agency does not control the circumstances under which the individual would be employed.

(2) The educational institution or educational service agency cannot provide evidence that the individual or similarly situated individuals normally perform services in the second academic period.

(c) For the purposes of subsection (a), economic terms and conditions of employment include wages, benefits and hours of work.

[Pa.B. Doc. No. 03-12. Filed for public inspection January 3, 2003, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE ARCHITECTS LICENSURE BOARD

[49 PA. CODE CH. 9]

Annual Renewal Fee for Registered Architecture Firms and Examination Fees

The State Architects Licensure Board (Board) amends §§ 9.3, 9.41, 9.46 and 9.49a; adds §§ 9.41a, 9.51 and 9.52; and deletes §§ 9.111, 9.113, 9.114, 9.116—9.118, 9.131 and 9.132 to read as set forth at 32 Pa.B. 1731 (April 6, 2002) and as set forth in Annex A.

A. Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

This final-form rulemaking is authorized under sections 8, 11 and 13 of the Architects Licensure Law (act) (63 P. S. §§ 34.8, 34.11 and 34.13).

C. Background and Purpose

The Board is amending § 9.3 (relating to fees) by implementing an annual renewal fee for registered architecture firms and eliminating reference to the cost of taking the Architect Registration Examination (ARE) which is given by the National Council of Architectural Registration Boards (NCARB). The Board is further amending or adding the remaining sections by deleting references to the procedures for taking the ARE and by rearranging license eligibility and examination requirements in a more cohesive and orderly fashion.

Deletion of Reference to the ARE Fee

The Board is eliminating reference to the ARE examination fee over which the Board has no control or involvement. The ARE is a recognized uniform examination used throughout the United States. The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). The fee for the examination is established by the National examiner and communicated directly to the applicants. Applicants for the examination pay the examination fee directly to the National examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiner's examination fee in the Board's regulations.

In lieu of publishing the cost of the examination, the Board adds § 9.41a (relating to adoption of National board examinations), which promulgates the adoption of National board examinations, including the fee established by NCARB.

Annual Renewal Fee for Registered Architecture Firms

General operating and enforcement expenses of the Board are apportioned to the general licensee population through the collection of license renewal fees. Section 11(a) of the act requires the Board to increase fees by regulations.

Section 13(j) of the act states that the Board shall, by promulgation of rules and regulations, require that registered architecture firms file with the Board information concerning their officers, directors, partners, professional association board of governors, beneficial owners, members or managers and other aspects of their organization as the Board deems appropriate. This section also authorizes the Board to charge each registered architecture firm an annual filing fee in an amount determined by the Board.

No renewal fee has been established for registered architecture firms. Therefore, the Board is establishing a renewal fee for the registration of architectural firms, thereby causing licensed firms to contribute to the general operating and enforcement expenses of the Board.

The annual fee of \$50 will be collected by the Board biennially. This means that, every 2 years, the Board will collect \$100 from each registered architecture firm.

Examination and Grading Procedures

Section 8(c) of the act authorizes the Board to adopt the examination and recommended grading procedures adopted by NCARB. Because the adoption of NCARB's examination and grading procedures would eliminate the Board's role in the process, the Board is deleting regulations outlining its role in the administration of the examination.

D. Comment and Regulatory Review of Proposed Rulemaking

Publication of proposed rulemaking at 32 Pa.B. 1731 was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board did not receive comments from the House Professional Licensure Committee (HPLC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) or the Independent Regulatory Review Commission (IRRC).

Licensure by Examination

Section 9.41 (relating to general requirements) informs candidates that the subject matter of the ARE examination is available from NCARB.

Section 9.41a adopts the National board examination, including the fee established by NCARB.

Section 9.49a(a) (relating to diversified training requirements) informs candidates that information concerning the Intern Development Program (IDP) of NCARB is available directly from NCARB. Subsection (b) directs candidates to have NCARB transmit a certificate of completion of IDP to the Board.

Grading and Review

Sections 9.51 and 9.52 (relating to examination grading and grading compilation) are identical to §§ 9.131 and 9.132. Sections 9.131 and 9.132 now become §§ 9.51 and 9.52 so that they will appear along side the related regulations referring to licensure by examination and examination. Sections 9.131 and 9.132 are deleted.

Examination

Section 8(c) of the act authorizes the Board to adopt the examination and recommended grading procedures adopted by NCARB. It is unnecessary to continue to publish §§ 9.111, 9.113, 9.114 and 9.116—9.118. The Board is deleting those sections.

F. Compliance with Executive Order 1996-1

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation." With regard to the annual renewal fee for registered architecture firms, the Board considers this final-form rulemaking the least restrictive alternative to cover the costs associated with services provided to registered architecture firms.

G. Fiscal Impact and Paperwork Requirements

This final-form rulemaking will implement an annual renewal fee for registered architecture firms in this Commonwealth, but, otherwise, should have no fiscal impact on the private sector, the general public or political subdivisions.

This final-form rulemaking requires the Board to alter some of its forms to reflect the new fee. The final-form rulemaking should create no additional paperwork for the private sector.

H. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations and no sunset date has been assigned.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 4, 2000, the Board submitted copies of the notice of proposed rulemaking, published at 32 Pa.B. 1731, to IRRC and to the Chairpersons of the SCP/PLC and the HPLC for review and comment.

The Board did not receive any comments from IRRC, the SCP/PLC, the HPLC or the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 13, 2002, this final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)), the amendments were deemed approved by IRRC effective November 14, 2002.

J. Contact Person

Further information may be obtained by contacting Dorna Thorpe, Board Administrator, State Architects Licensure Board, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, dothorpe@state.pa.us.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 32 Pa.B. 1731.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this Preamble.

L. *Order*

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 9, are amended by amending §§ 9.3, 9.41, 9.46 and 9.49a; by adding §§ 9.41a, 9.51 and 9.52; and by deleting §§ 9.111, 9.113, 9.114, 9.116—9.118, 9.131 and 9.132 to read as set forth at 32 Pa.B. 1731.

(b) The Board shall submit this order and 32 Pa.B. 1731 to the Office of General Counsel and to the Office of the Attorney General as required by law.

(c) The Board shall certify this order and 32 Pa.B. 1731 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

ANN SHEPARD HOUSTON,
President

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 6016 (December 7, 2002).)

Fiscal Note: Fiscal Note 16A-416 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-13. Filed for public inspection January 3, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

[L-00020158]

Electric Generation Supplier

Public Meeting held
December 19, 2002

Commissioners Present: Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Aaron Wilson, Jr., Statement follows; Terrance J. Fitzpatrick; Kim Piz-zingrilli

Advance Notice of Proposed Rulemaking for Revision of Chapter 54 of the Pennsylvania Code Pertaining to Electric Generation Supplier Licensing; Doc. No. L-00020158; P-00021938

Advance Notice of Proposed Rulemaking Order

By the Commission:

The Commission's regulation governing the bonding requirements of Electricity Generation Suppliers at 52 Pa. Code § 54.40 is under scrutiny. On January 16, 2002, the Energy Association of Pennsylvania (Energy Association), acting on behalf of its electric distribution company (EDC) members, filed a Petition for Amendment of 52 Pa. Code § 54.40 (Electricity Generation Supplier Licensing: Bonds or Other Security). Specifically, the Energy Association petitioned the Commission to initiate a rule-making proceeding to amend § 54.40 of the Pennsylvania Code to: (1) increase the security requirement; (2) alter the review period for making initial adjustments to the security level in specified circumstances; (3) identify additional instruments (specifically letters of credit and corporate guarantees) that can be used to satisfy the security requirement; and (4) recognize the right of the EDCs to implement their own financial assurance requirements through provisions in their tariffs.

The Attorney General's Office of Consumer Advocate (OCA) filed an Answer on February 5, 2002, stating that it did not oppose the initiation of a rulemaking proceeding to revisit the current EGS licensing regulations. Specifically, the OCA stated that the Petition raises important questions regarding the adequacy of the current electric generation supplier licensing regulations. By intervening in this Petition, the OCA seeks to assist in the investigation of whether the current bonding requirements are sufficient to ensure that the purposes of the electric restructuring law and this Commission's regulations are being met. The OCA was the only party that filed any response to the Energy Association's Petition.

In support of its Petition, the Energy Association argues that experience has shown that the present bonding level requirements for EGSs in § 54.40 are insufficient to ensure performance of the EGSs' obligations specified in § 54.40 and the corresponding provisions of the Electric Choice Act. The Energy Association refers to the situation involving the sudden departure of Utility.com, Inc., an EGS. In the Utility.com, Inc. case, the bond it had was insufficient to cover expenses incurred by the EDCs when they returned Utility.com, Inc.'s customers to their Provider of Last Resort (POLR). It is alleged by the Energy Association that Utility.com's improper exit

from the market when it became insolvent resulted in a gross receipts tax (GRT) deficiency of approximately \$472,178, which was, by itself, in excess of Utility.com's \$250,000 bond.

According to the Energy Association, Utility.com's departure caused EDCs to incur specifically: (1) data transfer and other costs to switch Utility.com's customers to POLR service outside of standard procedures; (2) administrative costs to calculate nonstandard bills and then field the resulting customer inquiries; (3) power pool penalties; (4) notification costs in advising Utility.com customers of what happened and what was being done; (5) purchase costs for generation to serve the switched customers; (6) administrative costs to compile data for the Office of Consumer Advocate; and (7) expenses to compensate customers for damages suffered as a result of Utility.com's failure to comply with its supply contracts and Commission regulations. The Energy Association argues that the current bonding regulations in effect force the EDCs to assume an unreasonable financial risk every time an EGS defaults on its obligations.

In light of the Energy Association's Petition, the Commission has determined that it is appropriate to examine its regulation governing the licensing and bonding requirements of EGSs. Toward this end, we are initiating this Advance Notice of Proposed Rulemaking. We encourage members of the regulated industry, the public and any other interested parties to file comments with the Commission. The comments should include specific section references to the Commission's regulations. Comments should delineate the rationale for the proposed change as well as specific proposed language for the regulations.

Due to the comprehensive nature of this rulemaking, interested parties will be given sixty (60) days from the date of publication of the Advance Notice of Proposed Rulemaking in the *Pennsylvania Bulletin* for the submission of comments. The Commission is committed to completing the revisions to its regulations in a timely fashion. Since the comment period is a generous one, no extensions will be granted for the filing of comments; *Therefore,*

It Is Ordered:

1. That the Energy Association's Petition for Amendment of 52 Pa. Code § 54.40 (Electricity Generation Customer Choice: Electricity Supplier Licensing: Bonds or Other Security) is granted inasmuch as a rulemaking proceeding to amend 52 Pa. Code § 54.40 is hereby initiated at this docket to consider the revision of the regulation appearing in Chapter 54 of Title 52 of the *Pennsylvania Code*, relating to the Commission's rules governing the licensing and bonding requirements of Electricity Generation Suppliers.

2. That an Advance Notice of Proposed Rulemaking similar to the draft attached hereto as Appendix A be published in the *Pennsylvania Bulletin*.

3. That a copy of this Order be mailed to the Office of Consumer Advocate, Office of Small Business Advocate, Office of Trial Staff, member companies of the Energy Association of Pennsylvania, all licensed Electricity Generation Suppliers, and the Pennsylvania Department of Revenue.

4. That interested parties shall have 60 days from the date of publication in the *Pennsylvania Bulletin* of the

Advance Notice of Proposed Rulemaking to file written comments and 90 days from the date of publication in the *Pennsylvania Bulletin* to file reply comments.

5. That comments should include, where appropriate, a numerical reference to the existing regulation(s) which the comment(s) address, the proposed language for revision, and a clear explanation for the recommendation.

6. That interested parties should file an original plus ten copies of each comment to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The Commission's contact person is Assistant Counsel Elizabeth H. Barnes, (717) 772-5408.

JAMES J. MCNULTY,
Secretary

APPENDIX A

Advance Notice of Proposed Rulemaking; Petition of the Energy Association of Pennsylvania for Amendment of 52 Pa. Code § 54.40 (Electricity Generation Customer Choice: Electricity Generation Supplier Licensing: Bonds or Other Security), Docket No. L-00020158

The Commission is considering amendments to its existing licensing and bonding requirements for Electricity Generation Suppliers (EGSs), which are appropriate within a competitive generation market. To facilitate this effort, the Commission is issuing this advance notice to solicit comments from electric distribution companies (EDCs), EGSs, power marketers, and other parties of interest.

Comments are requested on the Commission's scope of authority with regard to the language in § 54.40 of the Commission's regulations, 52 Pa. Code § 54.40 (relating to Electricity Generation Supplier Licensing: Bonds or Other Security).

The Commission seeks comments concerning the following issues.

Issue List

1. Whether § 54.40 should be amended to establish an initial bonding requirement equal to either a specified percentage (now 10%) of the EGS's forecasted gross receipts for the first consecutive 12 months, or \$250,000, whichever is greater. Comments are requested regarding: (1) whether the existing bonding level of 10% should be increased; and 2) whether the default level of \$250,000 should be changed. For a start-up company, what criteria should be used to forecast gross receipts for the first 12 months?

2. If an EGS does not have a business history in the Commonwealth, whether it should be required to update its gross receipts revenue forecast quarterly for the initial consecutive twelve-month period. How would this be done for a start-up company? Normally, the gross receipts tax is based upon two-year old data. What is the impact of this?

3. Whether on December 1 of each year, every EGS should be required to provide the Commission with a gross receipts revenue forecast for the next calendar year, if only to ensure the EGS' financial security is sufficient to satisfy its GRT obligation. How would this requirement work for start-up companies?

4. Whether § 54.40 should specify what "other security approved by the Commission" is and whether letters of credit and corporate guarantees should be listed as approved types of security.

5. Whether the current bonding requirements cause EDCs to assume an unreasonable financial risk when EGSs default on their obligations.

6. Whether EDCs should be permitted to establish and enforce company-specific financial assurances provisions which EGSs would be required to meet as a condition of each EDC's Electric Generation Supplier Coordination Tariff.

7. What is the likelihood of a Utility.com situation reoccurring?

8. Whether the Commission should continue its role as a bond obligee.

9. Whether the process should change through which claims are made on bonds.

10. Whether the entities listed in the prioritization of claims should be assigned different positions and whether there should be additions or deletions to the list.

11. What are the financial impacts of amending § 54.40 on EDCs, EGSs, the consumers, PUC, Department of Revenue?

12. Whether the regulations should provide for PJM Board default letters to be provided to the PUC by the supplier in default within 15 days of the date of the letters. These letters are referenced in PJM Interconnection, L.L.C., First Revised Rate Schedule FERC No. 24, Section 15.2 (relating to enforcement of obligations)

Interested parties are invited to address related issues in their comments. Written comments, an original and 15 copies, must be filed within 60 days after the date this notice is published in the *Pennsylvania Bulletin*. Reply comments must be filed within 90 days after the date this notice is published in the *Pennsylvania Bulletin*. The contact persons are Robert Bennett, Bureau of Fixed Utility Services, (717) 787-5553 (technical) and Elizabeth Barnes, Law Bureau, (717) 772-5408 (legal).

This is an advance notice of proposed rulemaking and is in addition to the normal rulemaking procedures for publication and comment established under the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law.

Statement of Commissioner Aaron Wilson, Jr.

Staff recommends granting the Petition of the Energy Association of Pennsylvania (EAP) in which the EAP asks the Commission to initiate a rulemaking on the bonding requirements for electricity Generation Suppliers (EGS) under 52 Pa. Code § 54.40. However, staff's recommendation confines the solicitation of comments to specific section references, the rationale for any proposed change, and proposed language for any proposed change.

The regulated community and the interested public may have concerns other than those governed under the specific sections of our existing regulations. The regulated community and the interested public are urged to submit comments on any relevant issue even if it is not currently addressed within any specific section of our existing regulations. As with the specific sections of our existing regulations, the commenting party should (a) identify the concern; (b) explain the rationale for addressing this concern; and (c) propose language resolving the concern.

One additional issue is whether, and how, the Commission's regulations should include an EGS' tax liabilities other than liability for the Gross Receipts Tax (GRT). Although the statute and our regulations include GRT, an EGS' inability or failure to remit other tax liabilities due and owing within the Commonwealth (such as sales tax)

have fiscal impacts on the General Fund and other funds.
I would like to know whether this is a concern we should
address and, if so, how we should address it.

[Pa.B. Doc. No. 03-14. Filed for public inspection January 3, 2003, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATIVE

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective December 17, 2002.

The organization chart at 33 Pa.B. 35 (January 4, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-15. Filed for public inspection January 3, 2003, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective December 13, 2002.

The organization chart at 33 Pa.B. 36 (January 4, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-16. Filed for public inspection January 3, 2003, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective October 11, 2002.

The organization chart at 33 Pa.B. 37 (January 4, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-17. Filed for public inspection January 3, 2003, 9:00 a.m.]

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

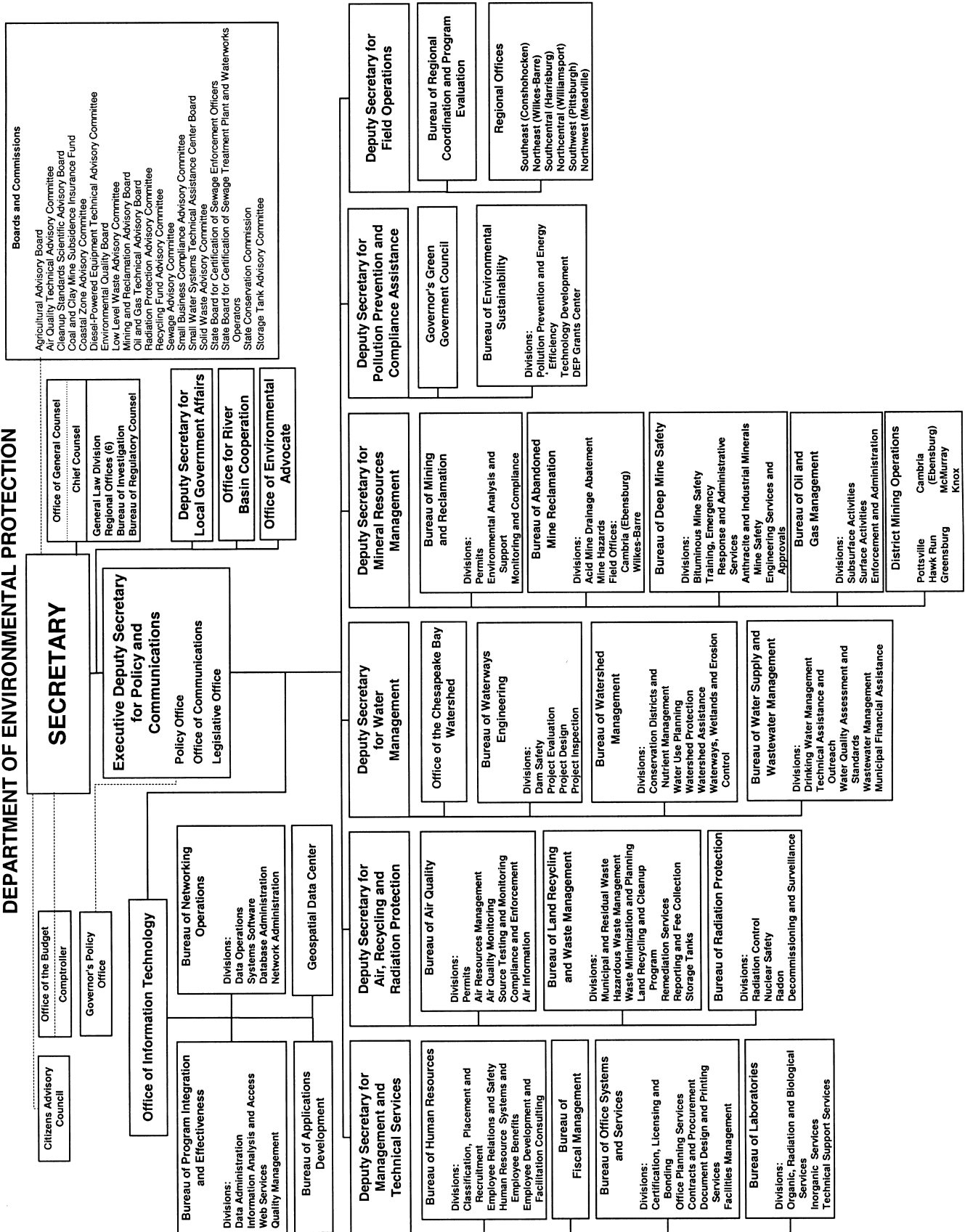
The Executive Board approved a reorganization of the Department of Transportation effective October 16, 2002.

The organization chart at 33 Pa.B. 38 (January 4, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

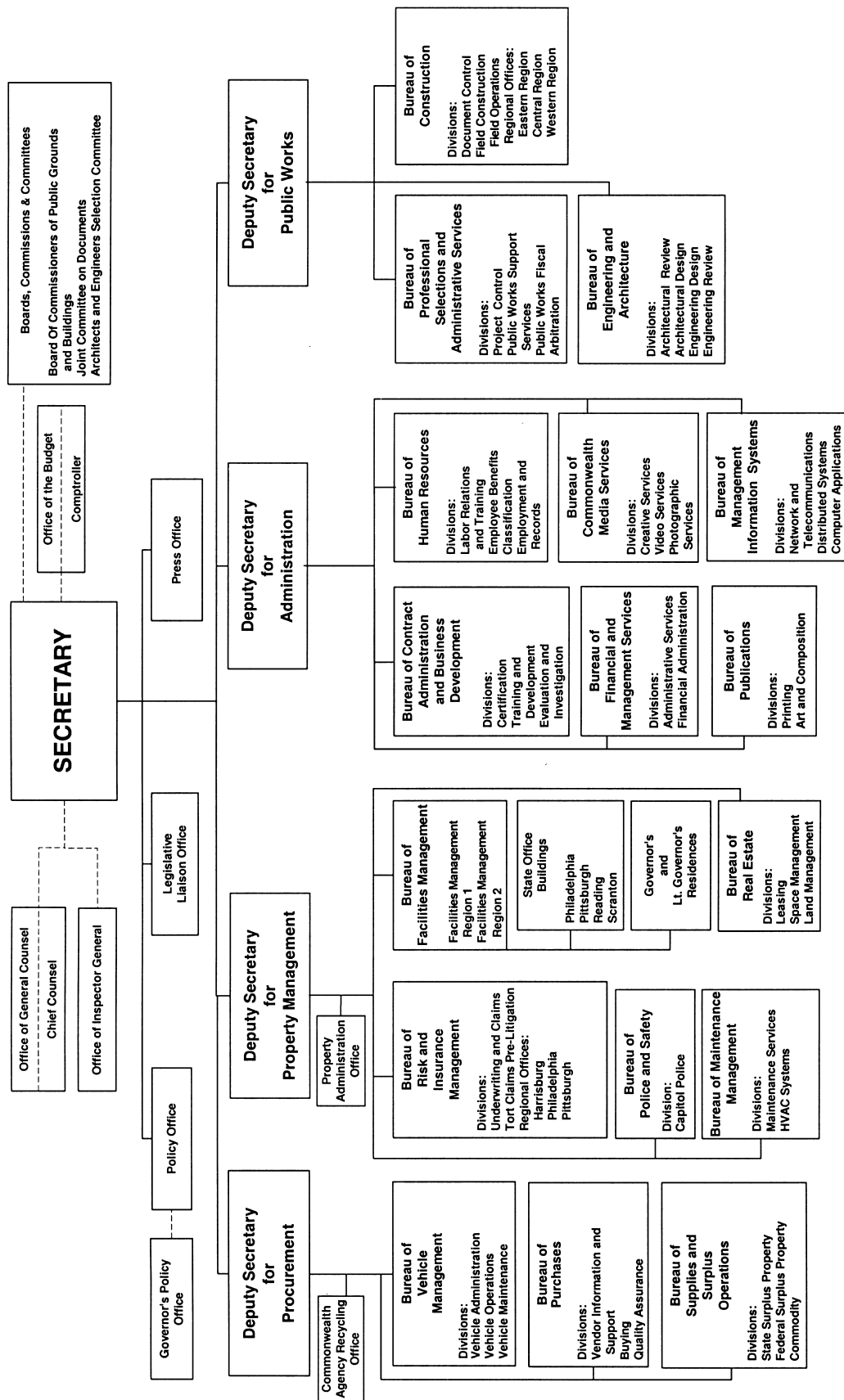
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-18. Filed for public inspection January 3, 2003, 9:00 a.m.]

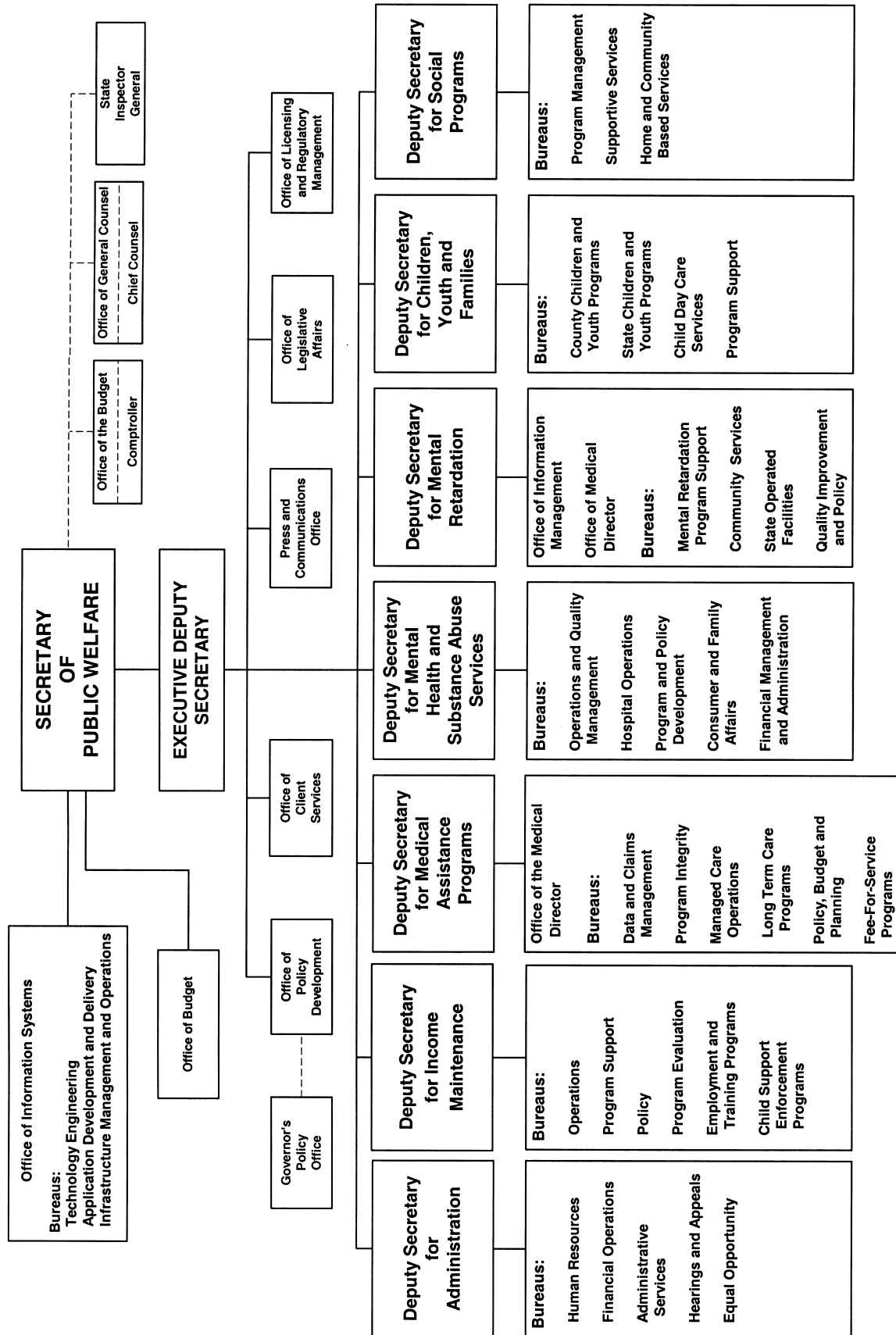
DEPARTMENT OF ENVIRONMENTAL PROTECTION

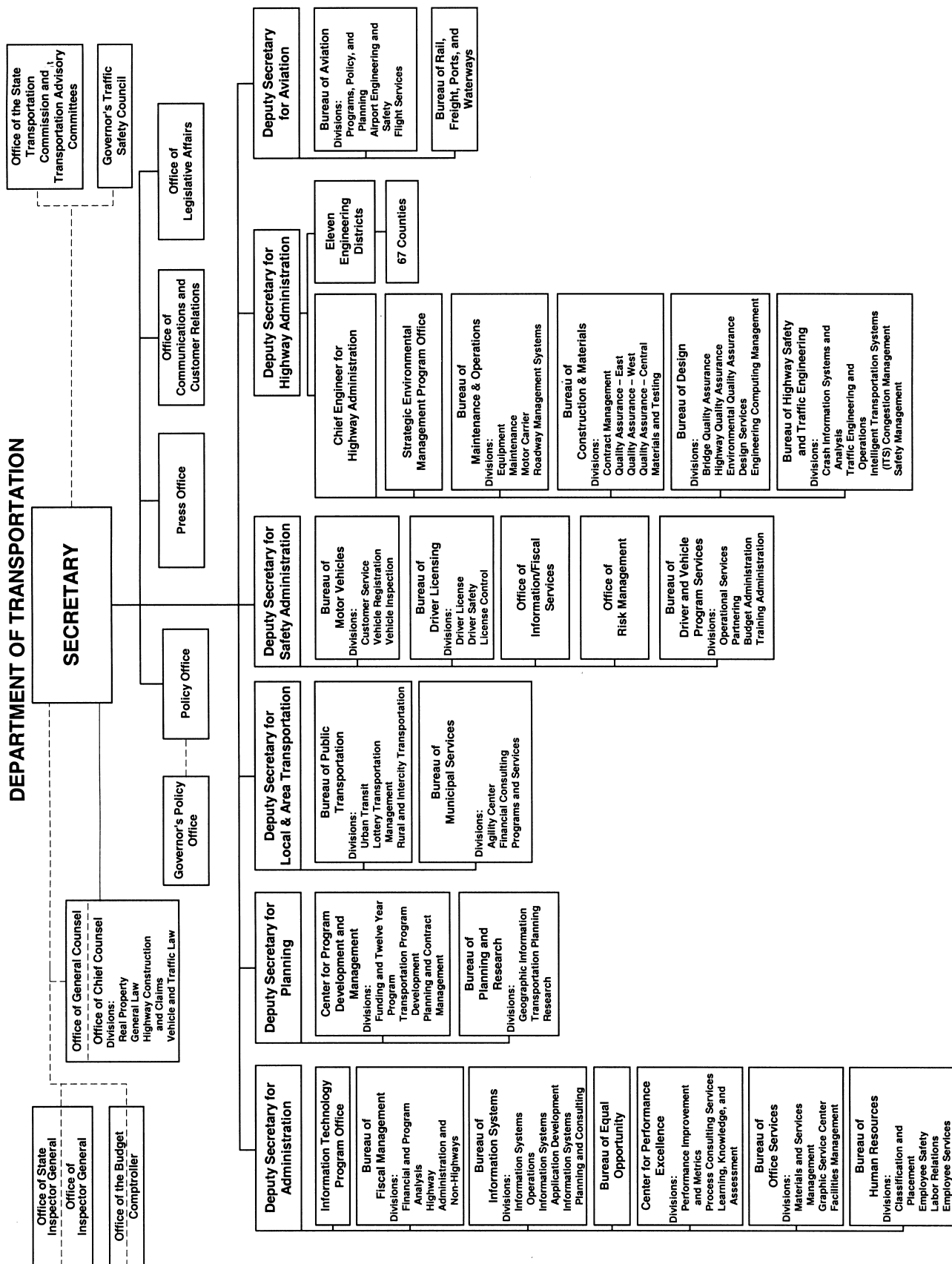


DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF PUBLIC WELFARE





NOTICES

DEPARTMENT OF AGRICULTURE

Land Trust Reimbursement Grant Program

The Department of Agriculture (Department) amends the procedures and standards for the Land Trust Reimbursement Grant Program (Program).

These procedures and standards were originally published at 29 Pa.B. 6342 (December 18, 1999). The underlying statutory authority for the Program has changed since this original publication date. The original authority for the Program was section 1716 of The Administrative Code of 1929 (71 P.S. § 456). That provision was repealed by the act of May 30, 2001 (P.L. 103, No. 14) (3 P.S. § 914.5), which effected a continuation of the Program under the Agricultural Area Security Law (act) (3 P.S. §§ 901—915), rather than The Administrative Code of 1929.

The Program is funded by a \$500,000 allocation from the State Agricultural Land Preservation Board (State Board). The Program allows for the awarding of reimbursement grants to qualified land trusts. A grant can reimburse a qualified land trust up to \$5,000 of the expenses it incurs in acquiring an "agricultural conservation easement," as that term is defined in the act. These expenses include appraisal costs, legal services, title searches, document preparation, title insurance, closing fees and survey costs.

Since the Program has been in effect, a number of qualified land trusts have suggested the standards and procedures be revised to allow for the reimbursement of expenses relating to the acquisition of a broader range of agricultural conservation easements. This would include agricultural conservation easements that, although limiting the subject land to agricultural production in perpetuity, would not qualify for purchase by the Commonwealth, an eligible county or a local government unit (or some combination thereof) under the act and its attendant regulations in 7 Pa. Code Chapter 138e (relating to agricultural conservation easement purchase program). The Department heeded these suggestions and revised the minimum criteria for participation in the Program by notice published at 30 Pa.B. 5546 (October 28, 2000). The Department has since determined it would serve the purposes of the Program to further broaden the criteria for participation. This notice will allow counties with agricultural conservation easement purchase programs approved by the State Board (eligible counties) to coordinate with qualified land trusts in their farmland preservation activities and facilitate the acquisition of agricultural conservation easements on tracts of land which—although not by themselves "economically viable for agricultural production" under the strict definition of that term—help create larger blocks of contiguous preserved farmland or otherwise further the eligible county's farmland preservation effort.

The Department believes the revision: (1) is consistent with the statutory authority for the Program; (2) is consistent with the definition of "agricultural conservation easement" in section 3 of the act (3 P.S. § 903); and (3) is expected to increase the rate at which Program

funds will be spent to reimburse these qualified land trusts for a portion of their costs in acquiring agricultural conservation easements.

The statutory language establishing the Program is essentially self-executing. The following restates the statutory procedures and standards published at 29 Pa.B. 6342, with the exception of Paragraph (8) (State Board Review), which has been revised to reflect the current statutory authority for the Program and to delete the referenced minimum-acreage requirements. It also provides references to sources of further information or assistance.

1. *Eligible Land Trust.* To be eligible to register with the State Board and to receive reimbursement grants under the Program, a land trust must be a tax-exempt institution under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. § 501(c)(3)) and include the acquisition of agricultural conservation easements or other conservation easements in its stated purpose.

2. *Registration of Eligible Land Trust.* An eligible land trust seeking reimbursement grants under the Program shall register with the State Board. Registration shall be accomplished by delivering a registration letter to Department of Agriculture, Attn: Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

3. *Contents of Registration Letter.* A registration letter shall:

a. Set forth a request that the eligible land trust be registered with the State Board for the purpose of receiving reimbursement grants under the Program.

b. Be signed by the president or other appropriate officer of the land trust.

c. Have enclosed a true and correct copy of the section 501(c)(3) tax-exempt certification issued to the land trust by the Internal Revenue Service and other documentation necessary to demonstrate the section 501(c)(3) tax-exempt status of the land trust and that the land trust has the acquisition of agricultural conservation easements or other conservation easements as its stated purpose.

d. If the land trust seeks to be registered to receive reimbursement grants with respect to agricultural conservation easements it acquires in a county that is an "eligible county" under section 3 of the act (an "eligible county" is a county whose agricultural conservation easement purchase program has been approved by the State Board), have enclosed a letter from either the Director or the Chairperson of the Agricultural Land Preservation Board in that eligible county verifying that the land trust coordinates its farmland preservation activities with the farmland preservation activities of the county.

4. *Acknowledgement of Registration.* The Department will promptly provide an eligible land trust that delivers a complete registration letter as described in the preceding paragraph with written confirmation that the eligible land trust is registered to receive reimbursement grants under the Program.

5. *Application for Reimbursement Grant—Forms.* Reimbursement grant application forms may be downloaded from the Department's website—www.pda.state.pa.us. The Department will also provide reimbursement grant application forms upon written request to the address in Paragraph (2) or upon requests telephoned to the Depart-

ment's Bureau of Farmland Protection, (717) 783-3167. The Department will also enclose a reimbursement grant application form with any "Acknowledgement of Registration" described in Paragraph (4).

6. *Application for Reimbursement Grant—Timing.* If an eligible land trust is registered to receive reimbursement grants under the Program it may, within 60 days of closing on the acquisition of an agricultural conservation easement, deliver to the State Board a written application for a reimbursement grant under the Program. An eligible land trust may submit a reimbursement grant application with respect to an agricultural conservation easement acquisition that predates the publication date of this notice, as long as it meets the referenced 60-day filing deadline.

7. *Application for Reimbursement Grant—Content.* A reimbursement grant application form shall be delivered to the address set forth in Paragraph (2) and shall:

- a. Request a reimbursement of costs incidental to the acquisition of an agricultural conservation easement.
- b. Have enclosed a statement of the costs (such as costs of appraisals, legal services, title searches, document preparation, title insurance, closing fees and surveys) incidental to the acquisition of the agricultural conservation easement.
- c. Have enclosed a true and correct copy of the recorded deed of agricultural conservation easement.
- d. Have enclosed a copy of a recorded document indicating the agricultural conservation easement relates to land that is within an agricultural security area (such as a copy of a recorded agricultural security area, showing book and page of recording).

8. *State Board Review.* The State Board will review complete, timely applications for a reimbursement grant within 60 days of receipt. The Department shall stamp or otherwise identify each complete reimbursement grant application to record the date and the order in which the applications are received. The State Board will consider reimbursement grant applications in the order they are received. The State Board may not approve a reimbursement grant application unless all of the following criteria are met:

- a. The application meets the requirements of section 14.5 of the act (3 P. S. § 914.5).
- b. The land use restrictions imposed under the deed of agricultural conservation easement are comparable to restrictions imposed under a deed of agricultural conservation easement acquired in accordance with the act.
- c. The land subject to the agricultural conservation easement is within an agricultural security area.
- d. There are sufficient unencumbered funds available to fund the reimbursement grant amount sought in the reimbursement grant application.

9. *Notice of Decision.* The State Board will, within 10 days of completing its review, mail a reimbursement grant applicant written notice as to whether the reimbursement grant application is approved. If the application is not approved, the written notice will specify the basis for disapproval.

10. *Counties that are not "Eligible Counties."* Under section 3 of the act, an "eligible county" is a county whose agricultural conservation easement purchase program has been approved by the State Board. If an eligible land trust that is registered to receive reimbursement grants seeks a reimbursement grant with respect to an agricul-

tural conservation easements it acquires in a county that is not an "eligible county," it must coordinate its farmland preservation activities in that county with the farmland preservation activities of the State Board.

11. *State Board approval.* State Board approval of a reimbursement grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided allocated funds are available in an amount adequate to fund the grant.

12. *Additional Information.* Further information may be obtained by contacting the Department of Agriculture, Attn: Mary Y. Bender, Director, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-3167.

13. *Effective Date.* This notice is effective as of December 19, 2002.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 03-19. Filed for public inspection January 3, 2003, 9:00 a.m.]

Order of Quarantine; Plum Pox Virus

The Department of Agriculture (Department) issues a quarantine order under authority of the Plant Pest Act (act) (3 P. S. §§ 258.1—258.27). This order is directed to the Counties of Adams, Cumberland, York and Franklin, and requires the removal and destruction of stone fruit trees located in untended stone fruit orchards in those designated counties.

Recitals

1. The act empowers the Department to take various measures to detect, contain and eradicate plant pests in this Commonwealth.
2. The powers granted to the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.
3. Plum Pox Virus (PPV)—a plant pest indigenous to Europe—is a serious plant pest that damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable.
4. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth.
5. The two primary means of spreading of PPV include: (a) through propagation of infected trees and subsequent movement of infected nursery material; and (b) through aphid transmission of the virus from infected to healthy trees.
6. The movement of PPV-infected trees provides the most serious threat of long distance movement of the virus and poses a danger to stone fruit trees in non-infected areas.
7. There is no known control for PPV other than destruction of infected trees.
8. PPV has been detected on stone fruit trees located in portions of four counties of this Commonwealth.

9. The Department has previously exercised its statutory authority and—through a series of orders—established a quarantine with respect to portions of the four counties that are the subject of this quarantine order. The orders prohibited the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibited the movement of stone fruit trees and stone fruit budwood out of the quarantined area. These quarantine orders covered the following areas:

Adams County: Latimore and Huntington Townships (29 Pa.B. 5735 (November 6, 1999)), parts of Menallen and Tyrone Townships (30 Pa.B. 4357 (August 19, 2000)) and the Borough of York Springs (30 Pa.B. 5852 (November 11, 2000)).

Cumberland County: South Middleton Township (30 Pa.B. 3269 (July 1, 2000)), Dickinson Township (30 Pa.B. 4357 (August 19, 2000)), the Borough of Mount Holly Springs (30 Pa.B. 5852 (November 11, 2000)) and Southampton Township (31 Pa.B. 3559 (July 7, 2001)).

Franklin County: Borough of Mont Alto and Quincy Township (31 Pa.B. 5117 (September 8, 2001)).

York County: Franklin and Washington Townships (31 Pa.B. 3559 (July 7, 2001)) and Conewago and Monaghan Townships (32 Pa.B. 4045 (August 17, 2002)).

10. No practical quarantine area can completely limit movement of infectious aphids from within to outside the area.

11. The Department's authority to impose quarantines to detect, contain and eradicate PPV includes the authority to impose quarantines in the geographic areas in which PPV is detected and in any adjacent areas as the Department deems necessary.

12. PPV may not be detectable within a tree newly-infected with PPV by aphids before that tree is used as a budwood source for propagation of nursery stock.

13. Untended stone fruit orchards—orchards that are no longer used for commercial production of stone fruit—can serve as reservoirs for both native and exotic species of plant pests, including PPV, and therefore pose a threat to this Commonwealth's stone fruit industry.

14. Untended stone fruit orchards within proximity of the current PPV-quarantined areas have the potential to act as reservoirs for PPV and aphids capable of spreading PPV. Removal and destruction of untended stone fruit orchards will eliminate these unmanaged sources of plant pests, and will greatly facilitate the containment and eradication of PPV in this Commonwealth.

15. Owners of untended stone fruit orchards located in the four-county quarantine area established by this Order will receive treatment orders from the Department, directing the destruction or removal of untended stone fruit trees in these orchards.

16. Owners who incur costs as a result of the referenced treatment order may apply to the Department for a grant to cover these costs. The Department has authority under its Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program (Program) to issue grants, provided the conditions of that Program are met and funding is available.

Order

The Department issues the following quarantine order under authority of section 21 of the act:

1. The recitals previously set forth are incorporated into this Order.

2. The area affected by this quarantine order consists of the following counties: Adams, Cumberland, Franklin and York.

3. The Department will locate and identify untended stone fruit orchards throughout this quarantine area, and issue treatment orders directing the destruction or removal of untended stone fruit trees and any other measures reasonably necessary to prevent resultant erosion of the land.

4. The work required under the treatment order shall either be performed by a contractor hired at the Department's expense or at the landowner's expense. If the latter, the landowner may apply to the Department for a reimbursement grant under the Department's Program. The grant may also reimburse the landowner for the cost of seeding the cleared area with grass or similar vegetative coverage to prevent soil erosion.

This quarantine is effective as of December 19, 2002, and shall remain in effect until terminated by subsequent order.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 03-20. Filed for public inspection January 3, 2003, 9:00 a.m.]

Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program

The Department of Agriculture (Department) gives notice of the procedures and requirements under which it will award grants to owners of untended stone fruit orchards when these orchards are: (1) subject to a quarantine order issued by the Department under authority of the Plant Pest Act (act) (3 P. S. §§ 258.1—258.27); (2) destroyed by order of the Department as part of its ongoing Plum Pox Virus (PPV) containment and eradication effort; and (3) not otherwise eligible to be reimbursed for the removal, destruction and loss of these trees and the prevention of subsequent land erosion under existing reimbursement grant programs. This program will be known as the Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program (Program).

PPV afflicts trees and shrubs in the genus *Prunus*. These trees include apricot, plum, peach, nectarine, cherry and other stone fruit trees used in commercial fruit production, various ornamental and fruit-bearing trees and shrubs that are in popular use in residential backyard planting and landscaping, and trees in untended orchards that are no longer being maintained for commercial fruit production or other commercial purposes.

In summary, the Program complements three other programs under which the Department provides partial indemnification for losses sustained by stone fruit tree owners:

1. The Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program, the procedures and requirements of which were published at 30 Pa.B. 4014 (August 5, 2000) and 30 Pa.B. 6608 (December 23, 2000).

2. The Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program, the procedures and requirements of which were published at 30 Pa.B. 4737 (September 9, 2000).

3. The Plum Pox Virus Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program, the procedures and requirements of which were published at 31 Pa.B. 2936 (June 9, 2001).

The Program fills a gap that is not addressed in these three programs. Rather than focusing on stone fruit trees used for commercial orchard purposes, commercial nursery purposes, landscaping purposes or landscape nursery purposes (as do the various programs previously described), the Program focuses on untended stone fruit orchards. These are typically orchards that were planted or used for commercial stone fruit production, but that are no longer used for commercial purpose. These untended orchards are sometimes referred to in the stone fruit production industry as "abandoned" orchards. An untended orchard provides a reservoir for the PPV and the aphids that carry it. In addition, untended stone fruit orchards are at higher risk of PPV infection, since they are not actively managed. The Program provides a framework within which the Department can compensate owners of untended orchards for the cost resulting from the destruction of the untended orchard by order of the Department.

Authority

Section 208 of the General Appropriation Act of 2002 (act of June 29, 2002) (No. 7a) appropriates the sum of \$3.1 million to the Department for fruit tree indemnity payments related to PPV and costs related to disease eradication and other prevention and control measures.

Background

Under the authority and responsibility imparted it under the act, the Department has established PPV-related quarantines in parts of four counties. In Adams County, the Borough of York Springs, Huntington Township, Latimore Township and parts of Menallen and Tyrone Townships are quarantined. In Cumberland County, the Borough of Mount Holly Springs and the Townships of Dickinson, South Middleton and Southampton are quarantined. In Franklin County, the Borough of Mont Alto and Quincy Township are quarantined. In York County, Conewago, Monaghan, Washington and Franklin Townships are quarantined. The areas covered by these quarantine orders—and any area designated in any subsequent PPV-related quarantine order issued by the Department—are referred to collectively as the "PPV quarantine area."

PPV is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, cherries, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable. PPV has the potential to cause serious damage to the stone fruit production and stone fruit nursery industries within this Commonwealth. PPV is transmitted from infected trees by aphids and by budding or grafting with PPV-infected plant material. There is no known control for PPV other than the destruction of infected trees.

Untended stone fruit orchards present a particularly serious problem to the Department's PPV containment and eradication effort. An untended orchard contains trees and shrubs that are susceptible to PPV and provides an excellent environment for the aphids that transmit the disease from tree-to-tree. Untended stone fruit orchards are not monitored by the owner for signs of plant disease, are not subject to applications of pesticides that reduce the chance of aphid-borne PPV transmission and are frequently overgrown with other plants that

make the untended orchard difficult to access. These factors combine to make untended stone fruit orchards more likely to become infected with PPV, thus serving as a continuous virus reservoir.

It is the intention of the Department to issue (as funding is available) a series of quarantine orders covering untended stone fruit orchards in an increasingly-widening circle having the current quarantine area as its center. An owner of an untended stone fruit orchard in this expanded quarantine area will be issued a treatment order by the Department under authority of the act. The treatment order will direct the removal of all stone fruit trees from the untended stone fruit orchard and prescribe other measures necessary to address the PPV threat in that untended orchard. The Department will also provide the owner instructions as to the process through which the Department may award the owner a grant under the Program to compensate the owner for the costs of destruction and soil erosion prevention required under the treatment order.

Obtaining an Application

A person seeking a grant under the Program shall apply for the grant using a reimbursement grant application/agreement form provided by the Department. The forms may be obtained through the contact person identified.

Contents of Application

An application for a grant under the Program will require the following information of an applicant:

1. The name and address of the applicant.
2. Verification that the applicant is an owner of an untended stone fruit orchard.
3. A description of the location of the untended stone fruit orchard with respect to which a grant is sought.
4. Verification that the untended stone fruit orchard with respect to which a grant is sought is the subject of a treatment order issued by the Department, directing that stone fruit trees in that untended orchard be destroyed, removed or otherwise disposed of for purposes of controlling or containing PPV.
5. Verification that prior to the destruction of the stone fruit trees the applicant and the Department personnel conducted a physical inspection of the untended orchard to assess the approximate number of stone fruit trees and the approximate acreage affected by the treatment order, and had agreed upon the accuracy of this information, in writing.
6. The stone fruit tree number and acreage figures described in (5).
7. Verification that the measures required under the treatment order have been carried out, and that the stone fruit trees in the untended orchard have been removed, destroyed or otherwise disposed of in accordance with that treatment order.
8. Verification of the costs incurred by the applicant in carrying out the treatment order.
9. Verification that the applicant is not entitled to reimbursement for destruction or replacement of the untended stone fruit trees under: (a) the Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program; (b) the Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program; or (c) the Plum Pox Virus Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program.

10. A signature acknowledging that representations made in the application are true, and further acknowledging that the criminal punishments and penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) apply to any false statement made in the application.

Grant Amount

A portion of the grant amount shall address the cost of removal and destruction of the untended stone fruit trees and any other PPV abatement measure required under the treatment order. The amount of a grant to be applied to these removal, destruction and PPV abatement costs shall not exceed \$1,000 per acre. A portion of the grant amount may also address the cost of implementing reasonable erosion measures (such as planting a conservation-type grass cover crop) on the land from which the untended stone fruit trees are removed—if those erosion measures are necessary. In calculating the appropriate grant amount, the Department will consider the number of untended stone fruit trees on the affected acreage.

Review of Applications

The Department will review and approve or disapprove complete, timely grant applications within 30 days of receipt. The Department will stamp or otherwise identify each grant application to record the date and the order in which these applications are received. The Department will consider grant applications in the order they are received. The Department will approve a grant application if all of the following criteria are met:

1. The application is complete and provides the Department all the information necessary to a reasoned review of the document.
2. There are sufficient unencumbered funds available from the \$3.1 million appropriation contained in the

Appropriation Act of 2002 to fund the grant amount sought in the reimbursement grant application.

Notice of Decision

The Department will, within 10 days of completing its review, inform (whether by mail or other means) a grant applicant of whether the grant application is approved or disapproved. If the application is disapproved, the written notice will specify the basis for disapproval.

Expiration of Appropriation

Any portion of the \$3.1 million appropriation funding the Program that is not used by June 30, 2003, shall lapse into the General Fund. If a grant application is not approved by the Department by that date, it shall be disapproved on the basis that funding has lapsed.

No Right or Entitlement to Funds

The appropriation of funds under the General Appropriation Act of 2002 does not create in any person a right or entitlement to a grant from these funds. Departmental approval of a grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided appropriated funds are available in an amount adequate to fund the grant.

Additional Information and Contact Person

Applications and further information can be obtained by contacting the Department of Agriculture, Attn: Lyle B. Forer, Director, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5203.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 03-21. Filed for public inspection January 3, 2003, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 24, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-19-02	M&T Bank Corporation, Buffalo, New York, to Acquire 100% of the Voting Shares of Allfirst Financial, Inc., Baltimore, Maryland, and Thereby Indirectly Acquire Allfirst Trust Company of Pennsylvania, N.A., Harrisburg, PA	Buffalo, NY	Approved
12-20-02	Laurel Capital Group, Inc., Allison Park, to Acquire 100% of SFSB Holding Company, Pittsburgh	Allison Park	Filed

NOTICES

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-20-02	Laurel Savings Bank, Allison Park, and Stanton Federal Savings Bank, Pittsburgh Surviving Institution—Laurel Savings Bank, Allison Park	Allison Park	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-02	PEOPLESBANK, A Codorus Valley Company York York County	Susquehanna Commerce Center 221 W. Philadelphia St. York York County	Opened
12-20-02	Northwest Savings Bank Warren Warren County	3407 Liberty Street Erie Erie County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2001 Market St. Philadelphia Philadelphia County (Main Office) <i>From:</i> 2200-2202 Market St. Philadelphia Philadelphia County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County Redner's 1661 Easton Road Warrington Bucks County Thriftway 700 Downingtown Pike West Chester Chester County Clemens 170 Eagleview Boulevard Exton Chester County	Five branch offices at the following locations: Village Square 70 Commerce Dr. Wyomissing Berks County Johnson Highway and Markley Street Norristown Montgomery County	Filed

Note: The above-noted branches are presently branches of Commonwealth Bank, Norristown, except for the Norristown branch, and will be acquired by Citizens Bank as a result of the pending merger between the two banks.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,
Acting Secretary

[Pa.B. Doc. No. 03-22. Filed for public inspection January 3, 2003, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Education Empowerment List

The Department of Education of the Commonwealth of Pennsylvania, pursuant to Act 16 of 2000, the Education Empowerment Act, as amended by Act 91 of 2000, places the following school districts on the Education Empowerment List for the 2002-2003 school year:

<i>County</i>	<i>School District</i>	<i>PSSA Math & Reading 2001 and 2002 Below Basic Percentage</i>
Allegheny County	Clairton City	38.6*
	Duquesne City	66.7
	Sto-Rox	46.2*
	Wilkinsburg Borough	53.0
Beaver County	Aliquippa	50.8
Dauphin County	Steelton-Highspire	47.5*
Lancaster County	Lancaster City	41.5*
Lehigh County	Allentown	41.8*
Philadelphia County	Philadelphia City	54.6
York County	York City	46.4**

Education Empowerment Districts

The Department of Education of the Commonwealth of Pennsylvania, pursuant to Act 16 of 2000, the Education Empowerment Act, as amended by Act 91 of 2000, names the following school districts as Education Empowerment Districts for the 2002-2003 school year:

<i>County</i>	<i>School District</i>	<i>PSSA Math & Reading 2001 and 2002 Below Basic Percentage</i>
Dauphin County	Harrisburg City	63.2
Delaware County	Chester-Upland	65.1

* The Allentown, Clairton, Lancaster, Steelton-Highspire and Sto-Rox School Districts have less than 50% of students in the below basic category for two consecutive years, but will remain on the list until the goals in their District's School Improvement Plan are completed.

** The York City School District has less than 50% of students in the below basic category for one year, but will remain on the list to complete a second year of improvement where the two-year average is below 50%, and complete the goals in its School Improvement Plan.

The following tables identify the performance of each school by grade level in those school districts on the Empowerment List or certified as Empowerment Districts.

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
ALLEGHENY	CLAIRTON CITY SD	CLAIRTON MS	5	40.2
ALLEGHENY	CLAIRTON CITY SD	CLAIRTON MS	8	24.4
ALLEGHENY	CLAIRTON CITY SD	CLAIRTON HS	11	51.2
ALLEGHENY	DUQUESNE CITY SD	DUQUESNE EL SCH	5	62.0
ALLEGHENY	DUQUESNE CITY SD	DUQUESNE MS	8	69.5
ALLEGHENY	DUQUESNE CITY SD	DUQUESNE HS	11	68.6
ALLEGHENY	STO-ROX SD	STO ROX ELEM SCH	5	49.9
ALLEGHENY	STO-ROX SD	STO-ROX JSHS	8	41.6
ALLEGHENY	STO-ROX SD	STO-ROX JSHS	11	47.1
ALLEGHENY	WILKINSBURG BOROUGH SD	JOHNSTON EL SCH	5	29.4
ALLEGHENY	WILKINSBURG BOROUGH SD	KELLY EL SCH	5	41.0
ALLEGHENY	WILKINSBURG BOROUGH SD	WILKINSBURG MS	8	60.0
ALLEGHENY	WILKINSBURG BOROUGH SD	WILKINSBURG SHS	11	65.2
BEAVER	ALIQUIPPA SD	ALIQUIPPA MS	5	50.7
BEAVER	ALIQUIPPA SD	ALIQUIPPA MS	8	53.5
BEAVER	ALIQUIPPA SD	ALIQUIPPA SHS	11	48.1
DAUPHIN	HARRISBURG CITY SD	CAMP CURTIN SCH	5	73.2
DAUPHIN	HARRISBURG CITY SD	DOWNEY SCH	5	51.1
DAUPHIN	HARRISBURG CITY SD	HAMILTON SCH	5	43.6
DAUPHIN	HARRISBURG CITY SD	LINCOLN SCH	5	66.4
DAUPHIN	HARRISBURG CITY SD	MARSHALL SCH	5	44.0
DAUPHIN	HARRISBURG CITY SD	MELROSE SCH	5	45.1
DAUPHIN	HARRISBURG CITY SD	SCOTT SCHOOL	5	68.1
DAUPHIN	HARRISBURG CITY SD	SHIMMELL SCH	5	64.1
DAUPHIN	HARRISBURG CITY SD	STEELE SCH	5	55.2

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
DAUPHIN	HARRISBURG CITY SD	WOODWARD SCH	5	42.1
DAUPHIN	HARRISBURG CITY SD	ROWLAND SCH	8	62.6
DAUPHIN	HARRISBURG CITY SD	HARRISBURG HS	11	68.0
DAUPHIN	STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE E	5	42.3
DAUPHIN	STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE H	8	48.8
DAUPHIN	STEELTON-HIGHSPIRE SD	STEELTON-HIGHSPIRE H	11	51.3
DELAWARE	CHESTER-UPLAND SD	COLUMBUS EL SCH	5	78.5
DELAWARE	CHESTER-UPLAND SD	MAIN STREET SCH	5	58.1
DELAWARE	CHESTER-UPLAND SD	PULASKI MS	5	86.4
DELAWARE	CHESTER-UPLAND SD	SHOWALTER MS	5	61.3
DELAWARE	CHESTER-UPLAND SD	TOBY FARMS ELEM SCH	5	50.0
DELAWARE	CHESTER-UPLAND SD	MAIN STREET SCH	8	52.5
DELAWARE	CHESTER-UPLAND SD	PULASKI MS	8	71.4
DELAWARE	CHESTER-UPLAND SD	SHOWALTER MS	8	43.6
DELAWARE	CHESTER-UPLAND SD	SMEDLEY MS	8	68.3
DELAWARE	CHESTER-UPLAND SD	CHESTER HS	11	65.4
LANCASTER	LANCASTER SD	BURROWES SCH	5	42.2
LANCASTER	LANCASTER SD	CARTER MACRAE EL SCH	5	56.8
LANCASTER	LANCASTER SD	ELIZABETH R MARTIN E	5	13.6
LANCASTER	LANCASTER SD	FULTON EL SCH	5	31.0
LANCASTER	LANCASTER SD	GEORGE WASHINGTON EL	5	47.8
LANCASTER	LANCASTER SD	HAMILTON EL SCH	5	33.5
LANCASTER	LANCASTER SD	JAMES BUCHANAN EL SC	5	9.2
LANCASTER	LANCASTER SD	KING EL SCH	5	27.8
LANCASTER	LANCASTER SD	LAFAYETTE EL SCH	5	32.2
LANCASTER	LANCASTER SD	PRICE EL SCH	5	21.3
LANCASTER	LANCASTER SD	ROSS EL SCH	5	35.6
LANCASTER	LANCASTER SD	THOMAS WHARTON EL SC	5	10.1
LANCASTER	LANCASTER SD	WICKERSHAM EL SCH	5	26.6
LANCASTER	LANCASTER SD	BUEHRLE ALTERNATIVE	8	81.0
LANCASTER	LANCASTER SD	HAND MS	8	50.6
LANCASTER	LANCASTER SD	LINCOLN MS	8	44.3
LANCASTER	LANCASTER SD	REYNOLDS MS	8	51.9
LANCASTER	LANCASTER SD	WHEATLAND MS	8	34.2
LANCASTER	LANCASTER SD	BUEHRLE ALTERNATIVE	11	76.7
LANCASTER	LANCASTER SD	MCCASKEY CAMPUSES	11	46.5
LEHIGH	ALLENTOWN CITY SD	CENTRAL EL SCH	5	66.9
LEHIGH	ALLENTOWN CITY SD	CLEVELAND EL SCH	5	58.6
LEHIGH	ALLENTOWN CITY SD	HIRAM W DODD EL SCH	5	27.7
LEHIGH	ALLENTOWN CITY SD	JACKSON EL SCH	5	33.6
LEHIGH	ALLENTOWN CITY SD	JEFFERSON EL SCH	5	42.8
LEHIGH	ALLENTOWN CITY SD	LEHIGH PARK EL SCH	5	26.0
LEHIGH	ALLENTOWN CITY SD	MCKINLEY EL SCH	5	54.2
LEHIGH	ALLENTOWN CITY SD	MOSSER EL SCH	5	54.7
LEHIGH	ALLENTOWN CITY SD	MUHLENBERG EL SCH	5	12.4
LEHIGH	ALLENTOWN CITY SD	RITTER EL SCH	5	23.0
LEHIGH	ALLENTOWN CITY SD	ROOSEVELT EL SCH	5	47.7
LEHIGH	ALLENTOWN CITY SD	SHERIDAN EL SCH	5	33.6
LEHIGH	ALLENTOWN CITY SD	UNION TERRACE EL SCH	5	32.1
LEHIGH	ALLENTOWN CITY SD	WASHINGTON EL SCH	5	52.3
LEHIGH	ALLENTOWN CITY SD	FRANCIS D RAUB MS	8	46.0
LEHIGH	ALLENTOWN CITY SD	HARRISON-MORTON MS	8	40.8
LEHIGH	ALLENTOWN CITY SD	SOUTH MOUNTAIN MS	8	40.4
LEHIGH	ALLENTOWN CITY SD	TREXLER MS	8	45.7
LEHIGH	ALLENTOWN CITY SD	LOUIS E DIERUFF HS	11	38.7
LEHIGH	ALLENTOWN CITY SD	WILLIAM ALLEN SHS	11	42.6
PHILADELPHIA	PHILADELPHIA CITY SD	ADAIRE ALEXANDER SCH	5	61.3
PHILADELPHIA	PHILADELPHIA CITY SD	ALCORN JAMES SCH	5	76.4
PHILADELPHIA	PHILADELPHIA CITY SD	ALLEN ETHAN SCH	5	40.4
PHILADELPHIA	PHILADELPHIA CITY SD	ANDERSON ADD B SCH	5	61.4
PHILADELPHIA	PHILADELPHIA CITY SD	BACHE-MARTIN SCH	5	56.2
PHILADELPHIA	PHILADELPHIA CITY SD	BARRATT NORRIS S MS	5	72.1
PHILADELPHIA	PHILADELPHIA CITY SD	BARRY COMM JOHN SCH	5	60.9
PHILADELPHIA	PHILADELPHIA CITY SD	BETHUNE MARY MCLEOD	5	77.6
PHILADELPHIA	PHILADELPHIA CITY SD	BLAINE JAMES G SCH	5	75.7

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
PHILADELPHIA	PHILADELPHIA CITY SD	BLANKENBURG RUDOLPH	5	77.0
PHILADELPHIA	PHILADELPHIA CITY SD	BLUFORD GUION EL SCH	5	68.9
PHILADELPHIA	PHILADELPHIA CITY SD	BREGY F. AMEDEE ELEM SC	5	69.5
PHILADELPHIA	PHILADELPHIA CITY SD	BRIDESBURG SCH	5	10.5
PHILADELPHIA	PHILADELPHIA CITY SD	BROWN JOSEPH H SCH	5	31.1
PHILADELPHIA	PHILADELPHIA CITY SD	BRYANT WILLIAM C SCH	5	59.9
PHILADELPHIA	PHILADELPHIA CITY SD	CARNELL LAURA H SCH	5	50.1
PHILADELPHIA	PHILADELPHIA CITY SD	CASSIDY LEWIS C SCH	5	55.6
PHILADELPHIA	PHILADELPHIA CITY SD	CENTRAL EAST MS	5	69.4
PHILADELPHIA	PHILADELPHIA CITY SD	CHARLES W HENRY SCH	5	36.9
PHILADELPHIA	PHILADELPHIA CITY SD	CLEMENTE ROBERTO MS	5	84.8
PHILADELPHIA	PHILADELPHIA CITY SD	CLEVELAND GROVER SCH	5	65.0
PHILADELPHIA	PHILADELPHIA CITY SD	CLYMER GEORGE SCH	5	68.2
PHILADELPHIA	PHILADELPHIA CITY SD	COMEGYS BENJAMIN B SCH	5	69.6
PHILADELPHIA	PHILADELPHIA CITY SD	COMLY WATSON SCH	5	18.9
PHILADELPHIA	PHILADELPHIA CITY SD	CONWELL RUSSELL MS	5	12.4
PHILADELPHIA	PHILADELPHIA CITY SD	COOKE JAY MS	5	71.2
PHILADELPHIA	PHILADELPHIA CITY SD	COOK-WISSAHICKON SCH	5	31.8
PHILADELPHIA	PHILADELPHIA CITY SD	CRAMP WILLIAM SCHOOL	5	55.0
PHILADELPHIA	PHILADELPHIA CITY SD	CREIGHTON THOMAS SCH	5	64.7
PHILADELPHIA	PHILADELPHIA CITY SD	CROSSAN KENNEDY C SCH	5	11.6
PHILADELPHIA	PHILADELPHIA CITY SD	D NEWLIN FELL SCHOOL	5	52.0
PHILADELPHIA	PHILADELPHIA CITY SD	DAROFF SAMUEL SCH	5	76.5
PHILADELPHIA	PHILADELPHIA CITY SD	DAY ANNA B SCH	5	48.1
PHILADELPHIA	PHILADELPHIA CITY SD	DECATUR STEPHEN SCH	5	43.7
PHILADELPHIA	PHILADELPHIA CITY SD	DICK WILLIAM SCH	5	72.9
PHILADELPHIA	PHILADELPHIA CITY SD	DISSTON HAMILTON SCH	5	58.4
PHILADELPHIA	PHILADELPHIA CITY SD	DOBSON JAMES SCH	5	27.1
PHILADELPHIA	PHILADELPHIA CITY SD	DOUGLASS FREDERICK SCH	5	59.2
PHILADELPHIA	PHILADELPHIA CITY SD	DREW CHARLES R SCH	5	50.6
PHILADELPHIA	PHILADELPHIA CITY SD	DUCKREY TANNER SCH	5	88.1
PHILADELPHIA	PHILADELPHIA CITY SD	DUNBAR PAUL L SCH	5	57.8
PHILADELPHIA	PHILADELPHIA CITY SD	DURHAM THOMAS CTR	5	58.7
PHILADELPHIA	PHILADELPHIA CITY SD	EDMONDS FRANKLIN S SCH	5	45.6
PHILADELPHIA	PHILADELPHIA CITY SD	EDMUNDS HENRY R SCH	5	59.4
PHILADELPHIA	PHILADELPHIA CITY SD	ELLWOOD SCH	5	57.4
PHILADELPHIA	PHILADELPHIA CITY SD	EMLN ELEANOR C SCH	5	56.6
PHILADELPHIA	PHILADELPHIA CITY SD	FAIRHILL SCH	5	47.1
PHILADELPHIA	PHILADELPHIA CITY SD	FARRELL LOUIS H SCH	5	33.1
PHILADELPHIA	PHILADELPHIA CITY SD	FERGUSON JOSEPH C SCH	5	62.4
PHILADELPHIA	PHILADELPHIA CITY SD	FINLETTER THOMAS K SCH	5	44.9
PHILADELPHIA	PHILADELPHIA CITY SD	FITLER ACADEMICS PLUS	5	43.1
PHILADELPHIA	PHILADELPHIA CITY SD	FITZPATRICK ALOYSIUS	5	43.3
PHILADELPHIA	PHILADELPHIA CITY SD	FORREST EDWIN SCH	5	40.5
PHILADELPHIA	PHILADELPHIA CITY SD	FOX CHASE SCH	5	39.6
PHILADELPHIA	PHILADELPHIA CITY SD	FRANK ANNE SCH	5	22.3
PHILADELPHIA	PHILADELPHIA CITY SD	FRANKLIN BENJAMIN	5	53.9
PHILADELPHIA	PHILADELPHIA CITY SD	FULTON ROBERT SCH	5	67.0
PHILADELPHIA	PHILADELPHIA CITY SD	GIDEON EDWARD SCH	5	63.6
PHILADELPHIA	PHILADELPHIA CITY SD	GIRARD ACAD MUSIC PROG	5	3.6
PHILADELPHIA	PHILADELPHIA CITY SD	GOMPERS SAMUEL SCH	5	47.2
PHILADELPHIA	PHILADELPHIA CITY SD	GREENBERG JOSEPH SCH	5	12.0
PHILADELPHIA	PHILADELPHIA CITY SD	GREENFIELD ALBERT SCH	5	40.3
PHILADELPHIA	PHILADELPHIA CITY SD	GROVER WASHINGTON MS	5	68.5
PHILADELPHIA	PHILADELPHIA CITY SD	HACKETT HORATIO B SCH	5	36.9
PHILADELPHIA	PHILADELPHIA CITY SD	HAMILTON ANDREW SCH	5	55.1
PHILADELPHIA	PHILADELPHIA CITY SD	HANCOCK JOHN SCH	5	20.5
PHILADELPHIA	PHILADELPHIA CITY SD	HARRISON WILLIAM SCH	5	41.3
PHILADELPHIA	PHILADELPHIA CITY SD	HARRITY WILLIAM F SCH	5	69.6
PHILADELPHIA	PHILADELPHIA CITY SD	HARTRANFT JOHN F SCH	5	82.2
PHILADELPHIA	PHILADELPHIA CITY SD	HESTON EDWARD SCH	5	52.5
PHILADELPHIA	PHILADELPHIA CITY SD	HILL LESLIE P SCH	5	76.8
PHILADELPHIA	PHILADELPHIA CITY SD	HOPKINSON FRANCIS SCH	5	55.4
PHILADELPHIA	PHILADELPHIA CITY SD	HOUSTON HENRY E SCH	5	56.7
PHILADELPHIA	PHILADELPHIA CITY SD	HOWE JULIA WARD SCH	5	46.7

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PHILADELPHIA	PHILADELPHIA CITY SD	HUEY SAMUEL B SCH	5	69.6
PHILADELPHIA	PHILADELPHIA CITY SD	JACKSON ANDREW SCH	5	47.5
PHILADELPHIA	PHILADELPHIA CITY SD	JENKS JOHN S SCH	5	34.8
PHILADELPHIA	PHILADELPHIA CITY SD	JONES JOHN PAUL MS	5	78.9
PHILADELPHIA	PHILADELPHIA CITY SD	KEARNY GEN PHILIP SCH	5	34.5
PHILADELPHIA	PHILADELPHIA CITY SD	KELLEY WILLIAM D SCH	5	75.1
PHILADELPHIA	PHILADELPHIA CITY SD	KENDERTON SCH	5	62.3
PHILADELPHIA	PHILADELPHIA CITY SD	KEY FRANCIS SCOTT SCH	5	51.2
PHILADELPHIA	PHILADELPHIA CITY SD	KINSEY JOHN L SCH	5	63.6
PHILADELPHIA	PHILADELPHIA CITY SD	KIRKBRIDE ELIZA B SCH	5	49.7
PHILADELPHIA	PHILADELPHIA CITY SD	LAMBERTON ROBERT E SCH	5	61.6
PHILADELPHIA	PHILADELPHIA CITY SD	LAWTON HENRY W SCH	5	19.2
PHILADELPHIA	PHILADELPHIA CITY SD	LEA HENRY C SCH	5	69.7
PHILADELPHIA	PHILADELPHIA CITY SD	LEIDY JOSEPH SCH	5	53.8
PHILADELPHIA	PHILADELPHIA CITY SD	LEVERING WILLIAM SCH	5	39.4
PHILADELPHIA	PHILADELPHIA CITY SD	LINGELBACH ANNA L SCH	5	44.1
PHILADELPHIA	PHILADELPHIA CITY SD	LOCKE ALAIN SCH	5	75.8
PHILADELPHIA	PHILADELPHIA CITY SD	LOESCHE WILLIAM H SCH	5	26.5
PHILADELPHIA	PHILADELPHIA CITY SD	LOGAN SCH	5	75.9
PHILADELPHIA	PHILADELPHIA CITY SD	LONGSTRETH WILLIAM C	5	65.8
PHILADELPHIA	PHILADELPHIA CITY SD	LUDLOW JAMES R SCH	5	72.4
PHILADELPHIA	PHILADELPHIA CITY SD	MANN WILLIAM B SCH	5	60.3
PHILADELPHIA	PHILADELPHIA CITY SD	MARSHALL JOHN SCH	5	58.9
PHILADELPHIA	PHILADELPHIA CITY SD	MARSHALL THURGOOD	5	76.6
PHILADELPHIA	PHILADELPHIA CITY SD	MASTERMAN JULIA R SCH	5	0.5
PHILADELPHIA	PHILADELPHIA CITY SD	MAYFAIR SCH	5	28.2
PHILADELPHIA	PHILADELPHIA CITY SD	MCCALL GEN GEORGE A	5	41.2
PHILADELPHIA	PHILADELPHIA CITY SD	MCCLOSKEY JOHN F SCH	5	51.2
PHILADELPHIA	PHILADELPHIA CITY SD	MCKINLEY WILLIAM SCH	5	54.4
PHILADELPHIA	PHILADELPHIA CITY SD	MCMICHAEL MORTON SCH	5	78.1
PHILADELPHIA	PHILADELPHIA CITY SD	MEREDITH WILLIAM M SCH	5	32.0
PHILADELPHIA	PHILADELPHIA CITY SD	MIDDLE YEARS ALT SCH	5	40.9
PHILADELPHIA	PHILADELPHIA CITY SD	MIFFLIN THOMAS SCH	5	59.9
PHILADELPHIA	PHILADELPHIA CITY SD	MILLER E S SCH	5	96.9
PHILADELPHIA	PHILADELPHIA CITY SD	MOFFET JOHN SCH	5	47.8
PHILADELPHIA	PHILADELPHIA CITY SD	MOORE J HAMPTON SCH	5	26.9
PHILADELPHIA	PHILADELPHIA CITY SD	MORRIS ROBERT SCH	5	54.9
PHILADELPHIA	PHILADELPHIA CITY SD	MORRISON ANDREW J SCH	5	48.8
PHILADELPHIA	PHILADELPHIA CITY SD	MUNOZ-MARIN ELEM	5	72.0
PHILADELPHIA	PHILADELPHIA CITY SD	NEBINGER GEORGE W SCH	5	64.7
PHILADELPHIA	PHILADELPHIA CITY SD	OLNEY EL SCH	5	39.3
PHILADELPHIA	PHILADELPHIA CITY SD	OVERBROOK EDU CTR	5	53.0
PHILADELPHIA	PHILADELPHIA CITY SD	OVERBROOK ELEM SCH	5	49.7
PHILADELPHIA	PHILADELPHIA CITY SD	PASTORIUS FRANCIS P	5	55.5
PHILADELPHIA	PHILADELPHIA CITY SD	PEIRCE THOMAS M SCH	5	66.8
PHILADELPHIA	PHILADELPHIA CITY SD	PENN TREATY MS	5	80.3
PHILADELPHIA	PHILADELPHIA CITY SD	PENNELL JOSEPH SCH	5	56.4
PHILADELPHIA	PHILADELPHIA CITY SD	PENNYPACKER SAMUEL SCH	5	58.2
PHILADELPHIA	PHILADELPHIA CITY SD	PENROSE ELEM SCH	5	53.2
PHILADELPHIA	PHILADELPHIA CITY SD	PEPPER GEORGE MS	5	72.2
PHILADELPHIA	PHILADELPHIA CITY SD	PICKETT CLARENCE E MS	5	83.6
PHILADELPHIA	PHILADELPHIA CITY SD	POLLOCK ROBERT B SCH	5	13.6
PHILADELPHIA	PHILADELPHIA CITY SD	POTTER-THOMAS SCH	5	88.9
PHILADELPHIA	PHILADELPHIA CITY SD	PRATT ANNA B SCH	5	72.9
PHILADELPHIA	PHILADELPHIA CITY SD	PRINCE HALL	5	60.7
PHILADELPHIA	PHILADELPHIA CITY SD	REYNOLDS GEN JOHN F	5	75.4
PHILADELPHIA	PHILADELPHIA CITY SD	RHAWNURST SCH	5	16.0
PHILADELPHIA	PHILADELPHIA CITY SD	RHOADS JAMES SCH	5	63.1
PHILADELPHIA	PHILADELPHIA CITY SD	RHODES E WASHINGTON	5	74.3
PHILADELPHIA	PHILADELPHIA CITY SD	RICHMOND SCH	5	38.4
PHILADELPHIA	PHILADELPHIA CITY SD	ROWEN WILLIAM SCH	5	39.4
PHILADELPHIA	PHILADELPHIA CITY SD	RUSH BENJAMIN MS	5	68.9
PHILADELPHIA	PHILADELPHIA CITY SD	SHALLCROSS DAY SCH	5	95.5
PHILADELPHIA	PHILADELPHIA CITY SD	SHARSWOOD GEORGE SCH	5	52.9
PHILADELPHIA	PHILADELPHIA CITY SD	SHAW ANNA H MS	5	80.7

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
PHILADELPHIA	PHILADELPHIA CITY SD	SHAWMONT SCH	5	23.5
PHILADELPHIA	PHILADELPHIA CITY SD	SHERIDAN PHILIP H SC	5	77.2
PHILADELPHIA	PHILADELPHIA CITY SD	SMEDLEY FRANKLIN SCH	5	55.7
PHILADELPHIA	PHILADELPHIA CITY SD	SOLIS-COHEN SOLOMON	5	34.2
PHILADELPHIA	PHILADELPHIA CITY SD	SOUTHWARK SCH	5	46.0
PHILADELPHIA	PHILADELPHIA CITY SD	SPRING GARDEN SCH	5	26.6
PHILADELPHIA	PHILADELPHIA CITY SD	SPRUANCE GILBERT SCH	5	27.9
PHILADELPHIA	PHILADELPHIA CITY SD	STANTON EDWIN M SCH	5	74.5
PHILADELPHIA	PHILADELPHIA CITY SD	STANTON M HALL SCH	5	54.3
PHILADELPHIA	PHILADELPHIA CITY SD	STEARNE ALLEN M SCH	5	64.6
PHILADELPHIA	PHILADELPHIA CITY SD	STEEL EDWARD SCH	5	70.9
PHILADELPHIA	PHILADELPHIA CITY SD	STETSON JOHN B MS	5	82.6
PHILADELPHIA	PHILADELPHIA CITY SD	SULLIVAN JAMES J SCH	5	52.6
PHILADELPHIA	PHILADELPHIA CITY SD	TAGGART JOHN H SCH	5	49.4
PHILADELPHIA	PHILADELPHIA CITY SD	THOMAS GEORGE C MS	5	68.1
PHILADELPHIA	PHILADELPHIA CITY SD	THOMAS HOLME SCHOOL	5	49.1
PHILADELPHIA	PHILADELPHIA CITY SD	TILDEN WILLIAM T MS	5	78.7
PHILADELPHIA	PHILADELPHIA CITY SD	VARE ABIGAIL SCH	5	76.5
PHILADELPHIA	PHILADELPHIA CITY SD	VARE EDWIN H MS	5	77.9
PHILADELPHIA	PHILADELPHIA CITY SD	WALTON RUDOLPH S SCH	5	51.3
PHILADELPHIA	PHILADELPHIA CITY SD	WARING LAURA SCH	5	68.8
PHILADELPHIA	PHILADELPHIA CITY SD	WASHINGTON GEORGE SCH	5	71.2
PHILADELPHIA	PHILADELPHIA CITY SD	WASHINGTON MARTHA SCH	5	67.6
PHILADELPHIA	PHILADELPHIA CITY SD	WEBSTER JOHN H SCH	5	64.7
PHILADELPHIA	PHILADELPHIA CITY SD	WELSH JOHN SCH	5	47.2
PHILADELPHIA	PHILADELPHIA CITY SD	WIDENER MEMORIAL	5	94.6
PHILADELPHIA	PHILADELPHIA CITY SD	WILSON ALEXANDER SCH	5	67.0
PHILADELPHIA	PHILADELPHIA CITY SD	WISTER JOHN SCH	5	46.0
PHILADELPHIA	PHILADELPHIA CITY SD	WRIGHT RICHARD R SCH	5	70.9
PHILADELPHIA	PHILADELPHIA CITY SD	ZIEGLER WILLIAM H SCH	5	40.1
PHILADELPHIA	PHILADELPHIA CITY SD	ADAIRE ALEXANDER SCH	8	57.6
PHILADELPHIA	PHILADELPHIA CITY SD	ALCORN JAMES SCH	8	62.7
PHILADELPHIA	PHILADELPHIA CITY SD	ALLEN ETHAN SCH	8	48.0
PHILADELPHIA	PHILADELPHIA CITY SD	AMY AT MARTIN	8	33.4
PHILADELPHIA	PHILADELPHIA CITY SD	AMY NW	8	40.9
PHILADELPHIA	PHILADELPHIA CITY SD	BACHE-MARTIN SCH	8	41.2
PHILADELPHIA	PHILADELPHIA CITY SD	BALDI C C A MS	8	24.0
PHILADELPHIA	PHILADELPHIA CITY SD	BARRATT NORRIS S MS	8	67.0
PHILADELPHIA	PHILADELPHIA CITY SD	BEEBER DIMNER MS	8	58.8
PHILADELPHIA	PHILADELPHIA CITY SD	CARNELL LAURA H SCH	8	53.8
PHILADELPHIA	PHILADELPHIA CITY SD	CENTRAL EAST MS	8	61.6
PHILADELPHIA	PHILADELPHIA CITY SD	CHARLES W HENRY SCH	8	26.5
PHILADELPHIA	PHILADELPHIA CITY SD	CLEMENTE ROBERTO MS	8	73.6
PHILADELPHIA	PHILADELPHIA CITY SD	COMMUNITY EDUC PARTNERS	8	92.2
PHILADELPHIA	PHILADELPHIA CITY SD	CONWELL RUSSELL MS	8	9.2
PHILADELPHIA	PHILADELPHIA CITY SD	COOKE JAY MS	8	58.9
PHILADELPHIA	PHILADELPHIA CITY SD	CREIGHTON THOMAS SCH	8	51.9
PHILADELPHIA	PHILADELPHIA CITY SD	DEBURGOS BILINGUAL MS	8	76.0
PHILADELPHIA	PHILADELPHIA CITY SD	DISSTON HAMILTON SCH	8	42.7
PHILADELPHIA	PHILADELPHIA CITY SD	DOBSON JAMES SCH	8	47.2
PHILADELPHIA	PHILADELPHIA CITY SD	DREW CHARLES R SCH	8	62.3
PHILADELPHIA	PHILADELPHIA CITY SD	EDMUNDS HENRY R SCH	8	52.2
PHILADELPHIA	PHILADELPHIA CITY SD	ELVERSON JAMES MS	8	76.8
PHILADELPHIA	PHILADELPHIA CITY SD	FARRELL LOUIS H SCH	8	21.4
PHILADELPHIA	PHILADELPHIA CITY SD	FINLETTER THOMAS K SCH	8	56.2
PHILADELPHIA	PHILADELPHIA CITY SD	FITLER ACADEMICS PLUS	8	36.4
PHILADELPHIA	PHILADELPHIA CITY SD	FITZSIMONS THOMAS MS	8	80.9
PHILADELPHIA	PHILADELPHIA CITY SD	FRANKLIN BENJAMIN	8	51.9
PHILADELPHIA	PHILADELPHIA CITY SD	GILLESPIE ELIZ D MS	8	71.6
PHILADELPHIA	PHILADELPHIA CITY SD	GIRARD ACAD MUSIC PROG	8	6.2
PHILADELPHIA	PHILADELPHIA CITY SD	GREENBERG JOSEPH SCH	8	16.4
PHILADELPHIA	PHILADELPHIA CITY SD	GREENFIELD ALBERT SCH	8	23.3
PHILADELPHIA	PHILADELPHIA CITY SD	HAMILTON ANDREW SCH	8	13.0
PHILADELPHIA	PHILADELPHIA CITY SD	HARDING WARREN G MS	8	60.5
PHILADELPHIA	PHILADELPHIA CITY SD	HILL J E/FREEDMAN SCH	8	11.5

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
PHILADELPHIA	PHILADELPHIA CITY SD	HOPKINSON FRANCIS SCH	8	42.9
PHILADELPHIA	PHILADELPHIA CITY SD	HOUSTON HENRY E SCH	8	41.3
PHILADELPHIA	PHILADELPHIA CITY SD	JACKSON ANDREW SCH	8	44.7
PHILADELPHIA	PHILADELPHIA CITY SD	JENKS JOHN S SCH	8	28.9
PHILADELPHIA	PHILADELPHIA CITY SD	JONES JOHN PAUL MS	8	59.2
PHILADELPHIA	PHILADELPHIA CITY SD	KENDERTON SCH	8	62.6
PHILADELPHIA	PHILADELPHIA CITY SD	KIRKBRIDE ELIZA B SCH	8	44.7
PHILADELPHIA	PHILADELPHIA CITY SD	LA BRUM GEN J HARRY	8	36.7
PHILADELPHIA	PHILADELPHIA CITY SD	LAMBERTON ROBERT E SCH	8	53.4
PHILADELPHIA	PHILADELPHIA CITY SD	LEA HENRY C SCH	8	71.5
PHILADELPHIA	PHILADELPHIA CITY SD	LEEDS MORRIS E MS	8	57.4
PHILADELPHIA	PHILADELPHIA CITY SD	LEVERING WILLIAM SCH	8	37.2
PHILADELPHIA	PHILADELPHIA CITY SD	LEWIS ADA H MS	8	68.1
PHILADELPHIA	PHILADELPHIA CITY SD	LUDLOW JAMES R SCH	8	72.3
PHILADELPHIA	PHILADELPHIA CITY SD	MARSHALL THURGOOD	8	65.4
PHILADELPHIA	PHILADELPHIA CITY SD	MASTERMAN JULIA R SCH	8	0.3
PHILADELPHIA	PHILADELPHIA CITY SD	MAYFAIR SCH	8	30.0
PHILADELPHIA	PHILADELPHIA CITY SD	MCCALL GEN GEORGE A	8	41.8
PHILADELPHIA	PHILADELPHIA CITY SD	MCMICHAEL MORTON SCH	8	70.7
PHILADELPHIA	PHILADELPHIA CITY SD	MEEHAN AUSTIN MS	8	49.0
PHILADELPHIA	PHILADELPHIA CITY SD	MEREDITH WILLIAM M SCH	8	22.9
PHILADELPHIA	PHILADELPHIA CITY SD	MIDDLE YEARS ALT SCH	8	14.1
PHILADELPHIA	PHILADELPHIA CITY SD	MIFFLIN THOMAS SCH	8	44.2
PHILADELPHIA	PHILADELPHIA CITY SD	MILLER E S SCH	8	94.7
PHILADELPHIA	PHILADELPHIA CITY SD	MORRISON ANDREW J SCH	8	17.9
PHILADELPHIA	PHILADELPHIA CITY SD	MUNOZ-MARIN ELEM	8	81.8
PHILADELPHIA	PHILADELPHIA CITY SD	NEBINGER GEORGE W SCH	8	50.3
PHILADELPHIA	PHILADELPHIA CITY SD	OLNEY EL SCH	8	45.1
PHILADELPHIA	PHILADELPHIA CITY SD	OVERBROOK EDU CTR	8	39.8
PHILADELPHIA	PHILADELPHIA CITY SD	PEIRCE WILLIAM S MS	8	65.8
PHILADELPHIA	PHILADELPHIA CITY SD	PENN TREATY MS	8	67.8
PHILADELPHIA	PHILADELPHIA CITY SD	PEPPER GEORGE MS	8	63.3
PHILADELPHIA	PHILADELPHIA CITY SD	PICKETT CLARENCE E MS	8	78.2
PHILADELPHIA	PHILADELPHIA CITY SD	RHODES E WASHINGTON	8	74.7
PHILADELPHIA	PHILADELPHIA CITY SD	ROOSEVELT THEODORE MS	8	69.1
PHILADELPHIA	PHILADELPHIA CITY SD	RUSH BENJAMIN MS	8	49.7
PHILADELPHIA	PHILADELPHIA CITY SD	SAYRE WILLIAM L MS	8	76.8
PHILADELPHIA	PHILADELPHIA CITY SD	SHALLCROSS DAY SCH	8	85.2
PHILADELPHIA	PHILADELPHIA CITY SD	SHARSWOOD GEORGE SCH	8	52.6
PHILADELPHIA	PHILADELPHIA CITY SD	SHAW ANNA H MS	8	76.4
PHILADELPHIA	PHILADELPHIA CITY SD	SHAWMONT SCH	8	35.5
PHILADELPHIA	PHILADELPHIA CITY SD	SHOEMAKER WM H MS	8	79.5
PHILADELPHIA	PHILADELPHIA CITY SD	SOUTHWARK SCH	8	42.7
PHILADELPHIA	PHILADELPHIA CITY SD	SPRUANCE GILBERT SCH	8	33.0
PHILADELPHIA	PHILADELPHIA CITY SD	STETSON JOHN B MS	8	79.6
PHILADELPHIA	PHILADELPHIA CITY SD	STODDART-FLEISHER MS	8	71.6
PHILADELPHIA	PHILADELPHIA CITY SD	STRAWBERRY MANSION HS	8	71.2
PHILADELPHIA	PHILADELPHIA CITY SD	SULZBERGER MAYER MS	8	69.1
PHILADELPHIA	PHILADELPHIA CITY SD	TAGGART JOHN H SCH	8	48.9
PHILADELPHIA	PHILADELPHIA CITY SD	THOMAS GEORGE C MS	8	48.8
PHILADELPHIA	PHILADELPHIA CITY SD	TILDEN WILLIAM T MS	8	64.6
PHILADELPHIA	PHILADELPHIA CITY SD	TURNER JOHN P MS	8	68.6
PHILADELPHIA	PHILADELPHIA CITY SD	VARE ABIGAIL SCH	8	49.5
PHILADELPHIA	PHILADELPHIA CITY SD	VARE EDWIN H MS	8	68.6
PHILADELPHIA	PHILADELPHIA CITY SD	VAUX ROBERTS MS	8	70.4
PHILADELPHIA	PHILADELPHIA CITY SD	WAGNER GEN LOUIS MS	8	49.7
PHILADELPHIA	PHILADELPHIA CITY SD	WANAMAKER JOHN MS	8	69.7
PHILADELPHIA	PHILADELPHIA CITY SD	WASHINGTON GEORGE SCH	8	34.9
PHILADELPHIA	PHILADELPHIA CITY SD	WASHINGTON MARTHA SCH	8	61.9
PHILADELPHIA	PHILADELPHIA CITY SD	WIDENER MEMORIAL	8	72.5
PHILADELPHIA	PHILADELPHIA CITY SD	WILSON WOODROW MS	8	39.3
PHILADELPHIA	PHILADELPHIA CITY SD	ZIEGLER WILLIAM H SCH	8	24.3
PHILADELPHIA	PHILADELPHIA CITY SD	AUDENRIED CHARLES HS	11	77.9
PHILADELPHIA	PHILADELPHIA CITY SD	BARTRAM JOHN HS	11	63.0
PHILADELPHIA	PHILADELPHIA CITY SD	BODINE WILLIAM W HS	11	4.3

<i>County</i>	<i>District</i>	<i>School</i>	<i>Grade</i>	<i>Math and Reading 2001-02 % Below Basic</i>
PHILADELPHIA	PHILADELPHIA CITY SD	CARROLL CHARLES SCH	11	79.0
PHILADELPHIA	PHILADELPHIA CITY SD	CARVER HS	11	6.3
PHILADELPHIA	PHILADELPHIA CITY SD	CENTRAL HS	11	0.6
PHILADELPHIA	PHILADELPHIA CITY SD	COMMUNITY EDUC PARTNERS	11	93.1
PHILADELPHIA	PHILADELPHIA CITY SD	CREATIVE & PERFORM ART	11	18.9
PHILADELPHIA	PHILADELPHIA CITY SD	DOUGLAS STEPHEN A SCH	11	97.8
PHILADELPHIA	PHILADELPHIA CITY SD	EDISON HS	11	75.6
PHILADELPHIA	PHILADELPHIA CITY SD	FELS SAMUEL HS	11	63.0
PHILADELPHIA	PHILADELPHIA CITY SD	FRANKFORD HS	11	56.1
PHILADELPHIA	PHILADELPHIA CITY SD	FRANKLIN BENJAMIN HS	11	83.6
PHILADELPHIA	PHILADELPHIA CITY SD	FRANKLIN LEARNING CTR	11	29.6
PHILADELPHIA	PHILADELPHIA CITY SD	FURNESS HORACE HS	11	64.7
PHILADELPHIA	PHILADELPHIA CITY SD	GEORGE WASHINGTON HS	11	39.9
PHILADELPHIA	PHILADELPHIA CITY SD	GERMANTOWN HS	11	72.9
PHILADELPHIA	PHILADELPHIA CITY SD	GIRARD ACAD MUSIC PROG	11	7.6
PHILADELPHIA	PHILADELPHIA CITY SD	GIRLS HS	11	6.9
PHILADELPHIA	PHILADELPHIA CITY SD	GRATZ SIMON HS	11	77.8
PHILADELPHIA	PHILADELPHIA CITY SD	KENSINGTON HS	11	70.1
PHILADELPHIA	PHILADELPHIA CITY SD	KING MARTIN LUTHER HS	11	64.2
PHILADELPHIA	PHILADELPHIA CITY SD	LAMBERTON ROBERT E SCH	11	61.3
PHILADELPHIA	PHILADELPHIA CITY SD	LANKENAU-GERMANTOWN HS	11	23.6
PHILADELPHIA	PHILADELPHIA CITY SD	LINCOLN ABRAHAM HS	11	50.0
PHILADELPHIA	PHILADELPHIA CITY SD	MASTERMAN JULIA R SCH	11	0.0
PHILADELPHIA	PHILADELPHIA CITY SD	NORTHEAST HS	11	33.1
PHILADELPHIA	PHILADELPHIA CITY SD	OLNEY HS	11	82.5
PHILADELPHIA	PHILADELPHIA CITY SD	OVERBROOK HS	11	71.9
PHILADELPHIA	PHILADELPHIA CITY SD	PARKWAY PROGRAM	11	27.0
PHILADELPHIA	PHILADELPHIA CITY SD	PENN WILLIAM HS	11	75.2
PHILADELPHIA	PHILADELPHIA CITY SD	PENNYPACK HOUSE SCHOOL	11	89.6
PHILADELPHIA	PHILADELPHIA CITY SD	PHILA REGIONAL HS	11	82.3
PHILADELPHIA	PHILADELPHIA CITY SD	RANDOLPH A PHILLIP HS	11	74.9
PHILADELPHIA	PHILADELPHIA CITY SD	ROXBOROUGH HS	11	47.0
PHILADELPHIA	PHILADELPHIA CITY SD	SHALLCROSS DAY SCH	11	94.1
PHILADELPHIA	PHILADELPHIA CITY SD	SOUTH PHILADELPHIA HS	11	64.3
PHILADELPHIA	PHILADELPHIA CITY SD	STRAWBERRY MANSION HS	11	73.7
PHILADELPHIA	PHILADELPHIA CITY SD	SWENSON HS	11	67.1
PHILADELPHIA	PHILADELPHIA CITY SD	UNIVERSITY CITY HS	11	70.6
PHILADELPHIA	PHILADELPHIA CITY SD	WEST PHILADELPHIA HS	11	73.5
PHILADELPHIA	PHILADELPHIA CITY SD	WIDENER MEMORIAL	11	87.2
YORK	YORK CITY SD	DAVIS SCH	5	30.9
YORK	YORK CITY SD	DEVERS SCH	5	33.6
YORK	YORK CITY SD	FERGUSON SCH	5	35.0
YORK	YORK CITY SD	GOODE SCH	5	49.8
YORK	YORK CITY SD	JACKSON SCH	5	45.2
YORK	YORK CITY SD	MCKINLEY SCH	5	58.5
YORK	YORK CITY SD	EDGAR FAHS SMITH MS	8	45.4
YORK	YORK CITY SD	HANNAH PENN MS	8	50.5
YORK	YORK CITY SD	WILLIAM PENN SHS	11	47.8

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 03-23. Filed for public inspection January 3, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0054771	Peter and Mary Paul R. D. 3, 2614 Bean Road Norristown, PA 19403	Worcester Township Montgomery County	UNT to Stony Creek	Y

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0063673	J. A. Snyder Entities, Inc. Fountain Court, Suite 3 Bartonsville, PA 18321	Monroe County Pocono Township	Pocono Creek 1E	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0021229	Littlestown Borough Authority 46 East King Street Littlestown, PA 17340-1612	Adams County Union Township	UNT to Alloway Creek 13-D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0084816 Amendment No. 1	Sunoco Pipeline LP 1801 Market Street 3/10PC Philadelphia, PA 19103-1699	Berks County Spring Township	UNT to Cacoosing Creek 3-C	Y
PA0082490	The Pike House Restaurant & Lounge 985 Baltimore Pike Gettysburg, PA 17325	Adams County Cumberland Township	UNT Rock Creek 13-D	Y
PA0083089	Tyco Electronics—Glen Rock MS 140-042 Harrisburg, PA 17105	York County Springfield Township	Larkin Pond to UNT Seaks Run 7H	Y
PA0083305	Tyco Electronics—Brodbecks MS 140-042 Harrisburg, PA 17105	York County Codorus Township	UNT Krebs Valley Run 7H	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PA0058661, Sewage, **Joseph A. Kuroski and Gina M. Bryan**, 1131 Church Road East, Greenville, PA 18041. This application is for issuance of an NPDES permit to discharge treated sewage from Kuroski/Bryan small flow sewage treatment plant in Upper Hanover Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Perkiomen Creek.

The receiving stream is classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Ammonia (as N)	10	20
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

PA0056731, Sewage, **Historic Salem Village Homeowner's Association**, 2193 Yellow Springs Road, Malvern, PA 19355. This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant in Tredyffrin Township, **Chester County**. This is an existing discharge to unnamed tributary to Valley Creek.

The receiving stream is classified for EV, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1,700 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus (as P)	1.0	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

PA0058629, Industrial Waste, **Jamison's Used Auto Parts**, 529 Flinthill Road, King of Prussia, PA 19406. This application is for issuance of an NPDES permit to discharge stormwater from Jamison's Used Auto Parts Facility in Upper Merion Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Schuylkill River.

The receiving stream is classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on stormwater runoff flow, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Measurement Frequency</i>
COD	Monitor and Report	Monitor and Report	1/Quarter
Suspended Solids	Monitor and Report	Monitor and Report	1/Quarter
Oil and Grease	Monitor and Report	Monitor and Report	1/Quarter
pH	Within limits of 6.0—9.0	Standard Units at all times	1/Quarter
Dissolved Iron	Monitor and Report	Monitor and Report	1/Year
Aluminum	Monitor and Report	Monitor and Report	1/Year
Cadmium	Monitor and Report	Monitor and Report	1/Year
Chromium	Monitor and Report	Monitor and Report	1/Year
Copper	Monitor and Report	Monitor and Report	1/Year
Lead	Monitor and Report	Monitor and Report	1/Year
Zinc	Monitor and Report	Monitor and Report	1/Year
Total Recoverable Petroleum Hydrocarbons	Monitor and Report	Monitor and Report	1/Quarter
Diesel Range Organics	Monitor and Report	Monitor and Report	1/Quarter
Gasoline Range Organics	Monitor and Report	Monitor and Report	1/Quarter

The EPA Waiver is not in effect.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PAS802216, Industrial Waste, **C. C. Eastern, Inc.**, 12225 Stephens Road, Warren, MI 48089-2010. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Activity: Application for the renewal of NPDES permit to discharge stormwater associated with industrial activity.

The receiving stream, Monocacy Creek, is in the State Water Plan watershed no. 2C and is classified for HQ, CWF. The nearest downstream public water supply intake for Keystone Water Company—Yardley District, located on the Delaware River, is approximately 60 river miles below the point of discharge.

The proposed effluent limits for Outfalls 1—3 based on stormwater flows.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD ₅				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
TKN				Report
Total Phosphorus				Report
Dissolved Iron				Report

PA0061646, Industrial, **Pennsylvania American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701. This proposed facility is located in Roaring Brook Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated filter backwash water.

The receiving stream, Stafford Meadow Brook, is in the State Water Plan watershed no. 5A and is classified for HQ, CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Supply is located on the Susquehanna River, approximately 70 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .187 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
TSS			30		
Total Iron			2	4	
Total Aluminum	2.2	3.2	1.4	2.1	3.5
Total Manganese			1	2	
pH	6 to 9 Standard Units at all times.				
Total Residual Chlorine			.5	1	

PA0064254, Sewage, **West Mahanoy Township Supervisors (Village of Lost Creek)**, 190 Pennsylvania Avenue, Shenandoah Heights, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: issuance of a new NPDES permit to discharge treated sewage into Shenandoah Creek.

The receiving stream, Shenandoah Creek, is in the State Water Plan watershed no. 6B and is classified for CWF. The nearest downstream public water supply intake for Dauphin Consolidated Water Co. is located on the Susquehanna River, over 24 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.030.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.

PA0025615, Industrial Waste, SIC 4911, **First Energy Nuclear Operation Company**, 75 S. Main Street, Akron, OH 44308. This is for an amendment of an NPDES permit to discharge treated process water, sewage and untreated cooling water and stormwater from Beaver Valley Power Station in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River and Peggs Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Midland Borough Water Authority, located 1.0 mile below the discharge point.

Other Conditions: This permit amendment is issued under a Consent Order and Agreement between the parties and is a settlement of the appeal docketed at EHB Docket No. 2001-023-R.

Outfall 001: existing 35.2 mgd discharge to Ohio River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine			0.2	0.5	
Total Residual Chlorine			0.5		1.25
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Clamtrol (CT-1)			Not Detectable		
Betz DT-1				35.0	
Hydrazine			Not Detectable		
Ammonia			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing 0.1 mgd discharge to Ohio River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of uncontaminated yard stormwater runoff, deionized water storage tank drainage and those sources monitored at 103, 203, 303 and 403.					

Outfall 004: existing 0.001 mgd discharge to Ohio River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.25
Chromium			0.2	0.2	
Zinc			1.0	1.0	
This overflow at Outfall 004 normally takes place during the months July through October when the water level in the cooling tower basin is raised to increase pumping efficiency. The blowdown at Outfall 301 comes from the same basin and the limitations and restrictions placed on 301 apply also to this 004.					
pH	not less than 6.0 nor greater than 9.0				

Outfall 008: existing 0.001 mgd discharge to Ohio River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

Outfall 010: existing 12.1 mgd discharge to Ohio River.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.25
Clamtrol (CT-1)			Not Detectable		
Betz DT-1				35.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 012: existing discharge to Peggs Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Zinc			1.5	1.5	
Copper			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 213: existing discharge to Outfall 013.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			30	100	
Oil and Grease			15	20	
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

The monitoring of this discharge is not required when effluent from the Unit No. 2 cooling tower pump house floor and equipment drains is being recycled to the Unit No. 2 water recirculation system.

Outfall 013: existing discharge to Peggs Run (from permit issuance through 3 years after permit issue date).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Chlorobenzene			Monitor and Report		
Copper			Monitor and Report		
Cyanide, tot			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 013: existing discharge to Peggs Run (from 3 years after permit issue date through expiration).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Copper			0.05	0.1	0.125
Chlorobenzene			Monitor and Report		
Cyanide, tot			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0027243, Sewage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018. This application is for renewal of an NPDES permit to discharge treated sewage from Youghiogheny STP in North Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 2.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is modified to treat a flow of 3.313 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0217743, Sewage, **Summit Hospitality Group Services, Inc./Days Inn at Donegal**, Route 31, Donegal, PA 15628. This application is for renewal of an NPDES permit to discharge treated sewage from Days Inn at Donegal Sewage Treatment Plant in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Minnow Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County MA—Source: Indian Creek Reservoir.

Outfall 001: existing discharge, design flow of 0.0051 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.04			0.09
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 460419, Sewerage, **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewer collection system and treatment plant upgrade.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4502406, **Pinecrest Development Corp.**, P. O. Box 760, Pocono Pines, PA 18350. This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: The project consists of the construction of 14 five unit town homes, 1 six unit town home and 1 single unit home. It will require a sewage collection system for Phases 5 and 6 that will be a low-pressure collection system connecting to the existing gravity system in the Crestwoods development and the upgrading of two downstream pump stations to

handle the additional flows. The project will connect Phases 5 and 6 of Pinecrest to the existing system.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 2102410, Sewerage, **Creek View Mobile Home Community Sewer Association Inc.**, 595 Greason Road, Carlisle, PA 17013. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval of plans for construction/modification of sewers and appurtenances; pump stations; sewage treatment plant; outfalls and headwalls.

WQM Permit No. 0602414, Sewerage, **Earl K. Fidler**, 2 Mountainside Road, Temple, PA 19560. This proposed facility is located in Muhlenburg Township, **Berks County**.

Description of Proposed Action/Activity: Approval of plans for construction/modification of pump stations and sewage treatment plant.

WQM Permit No. 0602415, Sewerage, **Earl K. Fidler**, 2 Mountainside Road, Temple, PA 19560. This proposed facility is located in Muhlenburg Township, **Berks County**.

Description of Proposed Action/Activity: Approval of plans for construction/modification of pump stations and sewage treatment plant.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4902406, Sewerage 4952, **Municipal Authority of Sunnyside/Overlook**, 30 South Market Street, Elysburg, PA 17824. This proposed facility is located in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Applicant is requesting a Water Quality Management Part II Permit for construction of approximately 22,000 LF of gravity sewer lines and appurtenances to collect the wastewater from the Sunnyside/Overlook area and two pump stations to convey the wastewater to the Municipal Authority of Ralpho Township.

WQM Permit No. 5902412, Sewerage 4952, **Charleston Township Municipal Authority**, P. O. Box 115, PA 16901. This proposed facility is located in Charleston Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant is requesting a Water Quality Management Part II Permit for the construction gravity and low pressure sewage collection system with pump stations to serve the Charleston Township Sewer Project.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 3202405, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. Application for the construction and operation of a sewage treatment plant, pump stations, sewers and appurtenances and outfall and headwall to serve the Hillsdale area located in Montgomery Township, **Indiana County**.

Application No. 3202406, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. Application for the construction and operation of a sewage treatment plant, pump stations, sewers and appurtenances and outfall and

headwall to serve the Penn Run area located in Cherryhill Township, **Indiana County**.

Application No. 3299404-A1, Sewerage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. Application for the expansion and operation of a sewage treatment plant, pump stations, sewers and appurtenances and outfall and headwall to serve the Creekside area located in Washington Township, **Indiana County**.

Application No. 5602409, Sewerage, **Timothy Woy**, P. O. Box 32, Jennerstown, PA 15547. Application for the construction and operation of a single residence sewage treatment plant to serve the Woy residence located in Jenner Township, **Somerset County**.

Application No. 5602410, Sewerage, **Sheridan White**, 473 Scratch Road, Myersdale, PA 15552. Application for the construction and operation of a single residence sewage treatment plant to serve the White residence located in Summit Township, **Somerset County**.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application, within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q251	James G. Petrucci 171 Route 173, Suite 201 Asbury, NJ 08802	Lehigh County City of Bethlehem	Monocacy Creek HQ-CWF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10S124	Clearview Builders P. O. Box 1239 Brodheads ville, PA 18322	Monroe County Pocono Township	Pocono Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

York County Conservation District, 118 Pleasant Acres Road, York, PA 17402; (717) 840-7430.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y074	Keystone Custom Homes Inc. 214-A Willow Valley Lakes Dr. Willow Street, PA 17584	Jacobus Borough York County	East Branch of Codorus Creek CWF

Huntingdon County Conservation District, R. R. 1 Box 7C (Rte 26S), Huntingdon, PA 16652; (814) 627-1627.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS103008	Bruce Cox 1618 Ridge Road Warriors Mark, PA 16877	Warriors Mark Township Huntingdon County	Warriors Run HQ-CWF

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456.

NPDES Permit PAS10L028, Stormwater, **National Pike Water Authority**, 4888 National Pike, Markleysburg, PA 15459, has applied to discharge stormwater associated with a construction activity located in Henry Clay, Stewart and Wharton Townships, **Fayette County** to Deadman Run (HQ-CWF), Meadow Run (HQ-CWF), Beaver Creek (HQ-CWF), Noah's Glade (HQ-CWF), Little Sandy Creek (HQ-CWF), Pinkham Run (WWF) and Glade Run (WWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application, within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2802505, Public Water Supply.

Applicant	Greencastle Area Franklin County Water Authority
Municipality	Greencastle Borough
County	Franklin
Responsible Official	Kenneth E. Myers, Borough Manager 60 N. Washington St. Greencastle, PA 17225-1230
Type of Facility	PWS
Consulting Engineer	Gene C. Koontz, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	November 25, 2002
Description of Action	Construction Permit for a proposed high service booster station and approximately 850 LF of 12-inch connecting main. The station will have a capacity of 1.0 MG and transfer water from the existing distribution system to the new high service distribution system that is currently under construction.

Permit No. 3602524, Public Water Supply.

Applicant	Ephrata Mennonite School
Municipality	Ephrata Borough
County	Lancaster
Responsible Official	David L. Sauder, Principal 598 Stevens Road Ephrata, PA 17522
Type of Facility	PWS
Consulting Engineer	James R. Fisher, P. E. Fisher Engineering Inc. 1522 W. Main Street Ephrata, PA 17522
Application Received Date	December 9, 2002
Description of Action	Installation of anion exchange treatment equipment to remove the elevated nitrate levels in the source water. The system will also permit the existing softening and disinfection (UV light) systems.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Shamokin Dam Borough Thomas A. McBryan, Jr. Borough Manager 144 W. Eighth Street P. O. Box 273 Shamokin Dam, PA 17876
Borough	Shamokin Dam Borough, Snyder County
Responsible Official	Thomas A. McBryan, Jr. Borough Manager 144 W. Eighth Street P. O. Box 273 Shamokin Dam, PA 17876
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	December 17, 2002
Description of Action	Installing polypropylene liner and repainting structural steel members inside the reservoir

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Latter-Day Saints Property, Oakland Township, **Susquehanna County**. Martin Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 50 East North Temple Street, Salt Lake City, UT 84150) concerning the remediation of soils found or suspected to be contaminated with lead. A summary of the Notice of Intent to Remediate was reportedly published in *The Scranton Times* on December 6, 2002.

PPL—Harwood 69kV Substation, Hazle Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has electronically submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs. The notice indicates that the site will be remediated to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported published in the *Hazleton Standard-Speaker* on December 12, 2002.

PPL—Nazareth Switching Yard, Bushkill Township, **Northampton County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has electronically submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs. The notice indicates that the site will be remediated to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported published in *The Easton Express* on December 12, 2002.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Koppenhaver Residence, Montgomery Township, **Franklin County**. Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049, on behalf of Ricky and Debra Koppenhaver, 11311 Claylick Road, Mercersburg, PA 17236, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with kerosene. The applicant proposes to remediate the site to meet the

Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Mercersburg Journal* on September 11, 2002.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Scaffold Lick Site, Liberty Township, **McKean County**. Env. Resources Management, 855 Springdale Dr., Exton, PA 19341 (on behalf of Ten Point Hunting Club, 731 Frost Hollow Rd., Easton, PA 18040) has submitted a Notice of Intent to Remediate Soil and Groundwater contaminated with lead, OTORG, INORG, PAH, PCBs and CLSOL. The applicant proposes to remediate the site to meet the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on November 29, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101188. Delaware County Municipal Water Transfer Station No. 1, 2300 Concord Rd., Chester, PA 19013-2448, Chester Township, **Delaware County**. This application is a permit application for a radiation protection action plan for the facility. The application was received by Southeast Regional Office on December 13, 2002.

Permit Application No. 101103. Delaware County Transfer Station No. 3, Marpit Drive and Sussex Blvd., Broomall, PA 19008, Marple Township, **Delaware County**. This application is a permit application for a radiation protection action plan for the facility. The application was received by Southeast Regional Office on December 13, 2002.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 301626. White Pines Corporation, 320 Godshall Drive, Harleysville, PA 19438, for White Pines Landfill located in Pine Township, **Columbia County**. Major permit modification for greater excavation depth, leachate pretreatment facility and erosion and sedimentation control changes. The application was deemed complete by the Williamsport Regional Office on November 20, 2002.

Comments concerning the application should be directed to John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101449. Waste Management of Greenville, 88 Ohl Street, P. O. Box 609, Greenville, PA 16125-0609, Greenville Borough, **Mercer County**. Permit Renewal for Municipal Waste Transfer Facility. The application was received by the Northwest Regional Office on December 13, 2002.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejksznar, Acting New Source Review Chief, (570) 826-2531.

35-399-039: Thomson Multimedia, Inc. (200 Keystone Industrial Park, Scranton, PA 18512-4511) has made application for emission reduction credits resulting from the closure of their facility in the Keystone Industrial Park, Dunmore Borough, **Lackawanna County**.

40-302-148: Freedom Corrugated LLC (7225 Woodland Drive, Suite 200, Indianapolis, IN 46278) for the construction of two natural gas/no. 2 oil fired boilers at the facility located at 592 Oak Ridge Road, Hazle Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

21-05064C: Atlas Roofing Corp. (802 Highway 19 North, Suite 190, Meridian, MS 39307) for the proposed use of a lower VOC emitting chemical formulation (that is, blowing agent) that would justify the elimination of the existing regenerative thermal oxidizer control device at their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**.

38-05023B: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) for construction of a shredder for shredding unused and rejected shingles at the Prescott Quarry in South Lebanon Township, **Lebanon County**. This plan approval will be incorporated into the facility's current application for a State-only operating permit and will include appropriate requirements designed to keep the source operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

12-399-011A: GKN Sinter Metals, Inc. (R. R. 2, Box 47, Emporium, PA 15834) for installation of a replacement air cleaning device (an electrostatic precipitator) on a sintered powdered metal parts steam treating operation in Emporium Borough, **Cameron County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

28-03043: CAM Superline, Inc. (5878 Bullitt Road, Greencastle, PA 17225) for construction of a spray paint booth controlled by dry panel filters at its new trailer manufacturing facility in Washington Township, **Franklin County**. The facility's annual VOC emissions are expected to be around 6 tons. The plan approval and

operating permit will contain emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

12-399-015C: GE Transportation Systems (55 Pine Street, Emporium, PA 15834) for construction of an armature and motor frame vacuum pressure impregnation and surface coating operation in Emporium Borough, **Cameron County**.

The proposed operation will incorporate a vacuum pressure impregnator and a spray booth. The maximum VOC emission rate which could theoretically result from the operation of this vacuum pressure impregnation and surface coating operation is 4.24 tons in any 12 consecutive month period but the actual emission of VOCs is expected to be less due to the polymerization of some of the VOCs during the impregnation and surface coating process. Approximately .05 ton of the VOCs emitted in any 12 consecutive month period will also be hazardous air pollutants. There will be an additional emission of up to 2.19 tons of acetone in any 12 consecutive month period from associated cleanup activities.

The Department has determined that the proposed vacuum pressure impregnation and surface coating operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to approve the application and issue a plan approval for the construction of the proposed vacuum pressure impregnation and surface coating operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality requirements:

1. No more than 624 armatures and 624 motor frames shall be coated in any 12 consecutive month period.
2. No more than 1.0 gallon of resin and .1 gallon of resin diluent shall be used per armature or motor frame coated (averaged over any 12 consecutive month period). Additionally, no more than a total of 1,248 gallons of resin and 124.8 gallons of resin diluent shall be used in any 12 consecutive month period.
3. Resin used shall be a catalyzed polyester insulating varnish (or a material determined by the Department to be equivalent with respect to its VOC emission potential). Additionally, neither the resin nor the resin diluent shall contain any volatile substance designated as a hazardous air pollutant by the EPA.
4. No more than 124.8 gallons of coating other than resin or resin diluent shall be used in any 12 consecutive month period. The VOC content of any coating shall be no greater than 3.0 pounds per gallon of coating, as applied.
5. Coatings applied in the spray booth shall be applied with high volume low pressure spray technology.
6. The spray booth shall be equipped with a full set of spray booth filters whenever the booth is in use.
7. The only material which shall be used for cleanup shall be acetone and no more than 660 gallons shall be used in any 12 consecutive month period. Acetone man-

agement practices designed to minimize the evaporative loss of acetone to the atmosphere shall be employed at all times.

8. The emission of hazardous air pollutants shall not exceed .05 ton in any 12 consecutive month period.

9. Records shall be maintained of the number of armatures processed each month, the number of motor frames processed each month, the identity and amount of resin and resin diluent used each month, the identity and amount of any coatings other than resin used each month and the identity and amount of cleanup solvent used each month.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

23-00027: 3M/Dyneon (50 Milton Drive, Aston, PA 19014) in Aston Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The facility's main processes include: the pigment room, the free flow system, the central vacuum/milling system and the plastic processing system. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00077: County of Delaware/Fair Acres Complex (340 North Middletown Road, Lima, PA 19037-0048) for a non-Title V, State-only, Synthetic Minor Operating Permit in Middletown Township, **Delaware County**. The County of Delaware runs the Fair Acres Geriatric Center, the Emergency Response Center, the Juvenile Detention Center and the Crime Lab at this location. The main sources listed in the permit are boilers, emergency generators, dryers a gas fired chiller, space heaters and coolers that are utilized by the each of the facilities covered by the permit. The entire facility has taken a 4,150 pound per month limit on the amount of NOx produced by the consumption of fuel. Other emissions include 35.9 tons of sulfur oxides per year, 2.5 tons of particulate matter per year, 6.3 tons of carbon monoxide per year and 0.5 ton of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-03061: IFS Industries, Inc. (400 Orrton Avenue, P. O. Box 1053, Reading, PA 19603) for operation of an adhesives manufacturing facility in the City of Reading, **Berks County**. Actual PM10 and VOC emissions are expected to be less than 6 TPY and 1 TPY respectively. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

44-03010: Trinity Packaging Corp. (31 Industrial Park Road, Lewistown, PA 17044) for operation of a flexographic labeling operation in Granville Township, **Mifflin County**. Facility emissions are expected to be less than 20 tpy of VOCs and 10 tpy of HAPS. The State-only operating permit will include monitoring,

recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

56-00285: Lindy, Inc. (R. D. 3 Box 2A, New Castle, PA 16105) for operation of a hotmix asphalt plant in Somerset Township, **Somerset County**.

65-00625: Gulf Oil, LP (400 Grand Avenue, Pittsburgh, PA 15225) a renewal for operation of a petroleum distribution and storage facility in Delmont Borough, **Westmoreland County**.

26-00002: Nitrochem LLC (P. O. Box 26, 899 Third Street, Newell, PA 15466) a renewal for operation of a nitric acid facility in Newell Borough, **Fayette County**.

65-00549: Comptec, Inc. (P. O. Box 250, Irwin, PA 15642) for operation of a glass insulating components facility in North Huntingdon Township, **Westmoreland County**.

NOx BUDGET UNITS

The Department is issuing revised State-only Operating Permits to affected NOx budget units to incorporate the provisions of 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. The Department has established the NOx Allowance Allocations for each NOx budget unit under the provisions of 25 Pa. Code § 145.42. These provisions will, beginning in 2003, require the owner or operator of each NOx budget unit to hold a quantity of NOx allowances by November 30 of each year not less than the total NOx emissions for the control period from the NOx budget unit. One NOx Allowance is the limited authorization to emit 1 ton of NOx during the NOx Allowance Control Period, which begins May 1 of each year and ends September 30 of the same year. The NOx allowances held in the source's current year NOx Allowance Tracking System compliance and overdraft accounts must be equal to or greater than the total NOx emitted from the source during the year's NOx allowance control period. The initial NOx allowance control period begins on May 1, 2003.

Bureau of Air Quality: Division of Permits, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468; Contact: John F. Slade, Chief, Division of Permits, (717) 787-4325.

02-0056: Orion Power MidWest, LP (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) for revision of an existing State-only Operating Permit to incorporate the provisions of 25 Pa. Code §§ 145.1—145.90 for their Brunot Island Facility in the City of Pittsburgh, **Allegheny County**.

The Department is also establishing the NOx Allowance Allocations for each NOx budget unit at the facility under the provisions of 25 Pa. Code § 145.42. This revised permit will also include emission monitoring, reporting and recordkeeping requirements for each NOx budget unit in accordance with 25 Pa. Code §§ 145.30 and 145.70—145.76.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); and The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections, or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Application Withdrawn

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

05773002 and NPDES Permit No. PA0605964. Dash Coal Company, Inc., P.O. Box 517, Stoystown, PA

15563-0517, permit revision to utilize biosolids to enhance vegetation and for discharge of treated mine drainage in Broadtop Township, **Bedford County**, affecting 258.5 acres. Receiving streams: unnamed tributary to Shreves Run; unnamed tributary to Six Mile Run; Six Mile Run; and Shreves Run classified for WWF. The first downstream potable water supply intake from the point of discharge is Saxton Borough Water Authority Great Trough Creek 2 intake. Application received September 10, 2002. Permit withdrawn December 16, 2002.

Coal Application Received

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

33960107 and NPDES Permit No. PA0227269. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Union Township, **Jefferson County** affecting 17.8 acres. Receiving streams: Welch Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 16, 2002.

Noncoal Application Withdrawn

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

01870301T2 and NPDES Permit PA0593931. Vulcan Construction Materials, LP (P. O. Box 4239, Winston-Salem, NC 27115-4239), transfer of an existing quarry operation in Berwick, Conewago and Oxford Townships, **Adams County** affecting 1,293.0 acres, receiving stream: Slagle Run and North Stream. Application received November 1, 2002. Application withdrawn: December 18, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-700. East Goshen Conservancy, 1580 Paoli Pike, West Chester, PA 19380, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To relocate approximately 1,700 linear feet of Chester Creek for the purpose of stream restoration. The applicant proposes to construct and maintain approximately 1,700 feet of stream restoration based upon "natural channel design" techniques. The design also includes creation/enhancement of wetlands, excavation of deposits in the floodplain, placement of in-channel structures to protect stream banks and maintain flow alignment and the creation of a riparian buffer. The proposed stream restoration reach will be from the upstream limit of the Baldwin Drive Bridge to the downstream limit of the Reservoir Road Bridge (West Chester, PA Quadrangle N: 17.8 inches; W: 7.2 inches).

E15-698. Newman Development Group, 3101 Shippers Road, P. O. Box 678, Vestal, NY 13851-0678, North Coventry Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain water obstructions and encroachments associated with the proposed Town Square Plaza Development. The site is located just south of the intersection of SR 0100 and Cedarville Road in North Coventry Township, Chester County.

Work will consist of:

1. To construct and maintain 60 linear feet of a 4-foot by 4-foot box culvert and associated utility line stream crossings in an unnamed tributary to the Schuylkill River (HQ-TSF) (Pottstown, PA Quadrangle, N: 18.2 inches; W: 4.7 inches).

2. To expand the reservoir of an existing farm pond (nonjurisdictional dam) from a 0.56-acre reservoir (POW) to a 0.77-acre reservoir (POW) for use as a sediment basin during construction and as a stormwater management facility thereafter. Work activities also include replacement and maintenance of approximately 90 linear feet of an 18-inch culvert in an unnamed tributary to the Schuylkill River (HQ-TSF) and excavation upstream of the culvert for additional storage (Pottstown, PA Quadrangle, N: 18.4 inches; W: 4.7 inches).

3. To extend a 30-inch RCP culvert pipe, 27 linear feet, which carries an unnamed tributary to the Schuylkill River (HQ-TSF) under Hanover Street (SR 1037). Work will also include placement of fill in 0.10 acre of wetlands

(PEM) for the construction of the proposed access road from Hanover Street (SR 1037) to the proposed Road A (Pottstown, PA Quadrangle, N: 18.2 inches; W: 4.4 inches).

4. To extend a 4-foot by 6-foot box culvert, 26 linear feet, which carries an unnamed tributary to the Schuylkill River (HQ-TSF) under SR 0100 (Pottstown, PA Quadrangle, N: 18.2 inches; W: 4.9 inches).

The applicant proposes to construct 0.24 acre of replacement wetlands to compensate for the 0.10 acre of wetland (PEM) impacts associated with the proposed project.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E52-181. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Shohola Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain the Commonwealth portion of a six span prestressed concrete I-beam bridge across the Delaware River (WWF-MF). The structure will have clear normal spans of approximately 126 feet each and a maximum underclearance of approximately 50 feet. The project also includes temporary impacts of 0.03 acre to POW/PEM wetlands for an access road and 0.51 acre to the Delaware River for causeways. The bridge is located along SR 0434, Section 470, between Shohola Township, Pike County, PA and Berryville, NY, approximately 1,000 feet upstream of the confluence of Shohola Creek and the Delaware River (Shohola, PA/NY Quadrangle N: 18.3 inches; W: 5.2 inches).

E39-418. K & M Associates, 496 Plone Lane, Allentown, PA 18104, in Upper and Lower Macungie Townships, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in 0.4 acre of wetlands within the Cedar Creek Watershed (HQ-CWF, MF). The project is located within the Hopewell Woods residential subdivision, on the north side of Reppert Lane (T-503) approximately 1,500 feet west of its intersection with Crocks Road (Allentown West, PA Quadrangle N: 12.1 inches; W: 10.0 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E05-307. Western Pennsylvania Conservancy, Rt. 381 South, P. O. Box R, Mill Run, PA 15464 in Colerain, Snake Spring Valley and Monroe Townships, **Bedford County**, ACOE Baltimore District.

To construct and maintain agricultural crossings, agricultural ramps and stream bank fencing across various watercourses located within the Cove Creek (EV) and Sideling Hill Creek (EV) watersheds in Bedford County, PA to create and/or enhance riparian buffers and improve water quality. The initial phase of the project involves one crossing of an unnamed tributary to Cove Creek (EV) (Rainsburg, PA Quadrangle N: 11.66 inches; W: 3.39 inches) in Colerain Township, Bedford County that is waived under section 105.12(a)(2) and one crossing of an unnamed tributary to Piney Creek (EV) (Chaneyville, PA Quadrangle N: 16.5 inches; W: 3.8 inches) in Monroe Township, Bedford County. The following potential sites have been identified for future phases: (1) nine unnamed tributaries to Cove Creek (EV) (Rainsburg, PA Quadrangle N: 12.23 inches; W: 0.39 inch—N: 11.62 inches; W: 3.57 inches—N: 6.83 inches; W: 4.56 inches—N: 4.84 inches; W: 4.50 inches—N: 5.10 inches; W: 1.75 inches—

N: 5.0 inches; W: 1.79 inches) (Clearville, PA Quadrangle N: 11.41 inches; W: 13.04 inches—N: 19.94 inches; W: 7.65 inches—N: 18.02 inches; W: 9.32 inches) in Colerain and Snake Spring Valley Townships, Bedford County; (2) five locations on Cove Creek (EV) (Rainsburg, PA Quadrangle N: 5.20 inches; W: 5.59 inches) (Clearville, PA Quadrangle N: 9.53 inches; W: 15.72 inches—N: 8.42 inches; W: 16.69 inches—N: 9.83 inches; W: 14.37 inches—N: 18.91 inches; W: 9.17 inches) in Colerain Township, Bedford County; and (3) three unnamed tributaries to West Branch Sideling Hill Creek (EV) (Amaranth, PA Quadrangle N: 17.92 inches; W: 13.11 inches—N: 16.31 inches; W: 13.44 inches—N: 13.27 inches; W: 15.23 inches) in Monroe Township, Bedford County. Future phases of this project may also involve watercourses within the Cove Creek and Sideling Hill Creek watersheds that have not yet been identified.

E36-751. Luke Ulrich, 150 Netzley Drive, Denver, PA 17517 in Brecknock Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a prestressed concrete box beam bridge having a 34-foot width and a 75-foot span length across tributary No. 3 to Muddy Creek (WWF) at a point approximately 1,500 feet northeast of the intersection of SR 625 and Maple Grove Road in Bowmansville (Terre Hill, PA Quadrangle N: 13.5 inches; W: 3.0 inches) in Brecknock Township, Lancaster County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E41-520. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0284 Segment 0050 unnamed tributary bridge replacement, in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 17.6 inches; W: 0.3 inch).

To remove an existing steel bridge and construct and maintain a reinforced concrete box beam bridge having a span of 113.0 feet, with a minimum underclearance of 7.65 feet on a skew of 70° over Texas Creek located along SR 0284 Segment 0050 Offset 1641 and to construct, maintain and remove a temporary channel as well as construct a sand bag, concrete barrier all of which are located in Pine Township, Lycoming County. This project proposes to have a minimal impact on Texas Creek, which is designated a HQ-CWF. This project does propose to impact 0.0025 acre of jurisdictional wetlands.

E49-266. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Streambed paving under SR 1025, in East Chillisquaque Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 20.0 inches; W: 6.9 inches).

To perform streambed paving in Chillisquaque Creek along SR 1025, Segment 0090, Offset 1006. This project proposes to permanently impact 35 linear feet of Chillisquaque Creek, which is designated WWF and does not propose to impact any jurisdictional wetlands.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1411. Ductmate Industries, Inc., 1502 Industrial Drive, East Monongahela, PA 15063-9709. Forward Township, **Allegheny County**, ACOE Pittsburgh District.

To extend, operate and maintain the existing 72-inch diameter culvert in the channel of an unnamed tributary to the Monongahela River (WWF) for the purpose of

providing access to the proposed Ductmate Industries, Inc. manufacturing building. The project is located approximately 700 feet south from the intersection of Hollow Road and SR 136 (Monongahela, PA Quadrangle N: 13.0 inches; W: 2.8 inches).

E65-798. Todd Reidbord, President, Walnut Capital Partners, Inc., 5500 Walnut Street, Suite 300, Pittsburgh, PA 15232. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To place and maintain fill in 0.23 acre of wetland along Turtle Creek (TSF) and an unnamed tributary to Turtle Creek for the purpose of constructing a retail center and two restaurants. The project is located on the south side of SR 22 at the intersection of SR 22 and Cline Hollow Road (Murrysville, PA Quadrangle N: 8.5 inches; W: 5.0 inches).

E65-811. Rostraver Township Commissioners, Rostraver Township Municipal Building, 201 Port Royal Road, Belle Vernon, PA 15012. Rostraver Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 49-foot long, 20-foot by 7-foot concrete box culvert (invert depressed 1 foot) with rock riprap at the approaches in Speers Run (WWF). The structure is located on Finley Road at a point approximately 0.5 mile west of SR 201 (Donora, PA Quadrangle N: 1.66 inches; W: 14.29 inches).

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E25-663. Wal-Mart Stores, Inc., 2001 South East 10th Street, Bentonville, AR 72716. Wal-Mart Supercenter, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 6.0 inches; W: 12.5 inches).

To fill a de minimis area of PEM wetlands (0.04 acre) and to impact a total of 2,795 feet of unnamed tributaries to Sixmile Creek (CWF, MF) having a total drainage area of less than 100 acres to develop a Wal-Mart Supercenter retail facility approximately 0.7 mile west of the intersection of SR 20 and SR 531 (Depot Road) in Harborcreek Township, Erie County. The project includes the creation of 0.1 acre of onsite replacement wetlands.

E25-664. Girard Township, 10140 Ridge Road, Girard, PA 16417. Gloskey Road Across Crooked Creek, in Girard Township, **Erie County**, ACOE Pittsburgh District (Albion, PA Quadrangle N: 12.7 inches; W: 16.2 inches).

To extend and maintain the existing 20-foot long, 8-foot wide by 7-foot high waterway opening concrete box culvert by adding an additional 15 feet onto the downstream end in Crooked Creek on Gloskey Road approximately 0.25 mile east of Lexington Road.

E33-212. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. SR 3008, Segment 0010, Offset 0563 Across Perryville Run, in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 8.8 inches; W: 11.05 inches).

To remove the existing bridge and to install and maintain a 34-foot long precast concrete box culvert having an 18-foot wide by 4-foot high waterway opening in Perryville Run on SR 3008, Segment 0010, Offset 0563 in the Village of Hamilton.

E62-387. Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-

1412. SR 0006-B03 Bridge Replacement over Little Brokenstraw Creek, in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Lottsville, PA-NY, PA Quadrangle N: 0.5 inch; W: 5.1 inches).

To remove the existing structure and to construct and maintain a P/S spread concrete box beam bridge having a clear span of 92 feet and an underclearance of 12.8 feet on a 60 degree skew across Little Brokenstraw Creek (CWF) on SR 0006, Section B03, Segment 0260, Offset 0000 approximately 600 feet northwest of the intersection of SR 0006 and T-467 (Smith Hill Road).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit No. PA0052647, Industrial Waste, **Pottstown Borough Water Authority**, 100 East High Street, Pottstown, PA 19464. This proposed facility is located in West Pottsgrove Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into the Schuylkill River-3D Watershed.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

NPDES Permit No. PA0011134, Industrial Waste, **Agere Systems, Inc.**, 555 Union Boulevard, Allentown, PA 18103. This proposed facility is located in City of Allentown, **Lehigh County**.

Description of Proposed Action/Activity: to renew NPDES permit to discharge treated industrial wastewater to Spring Run.

NPDES Permit No. PA0044920, Industrial Waste, **Lehightron Electronics, Inc.**, 208 Memorial Drive, Lehighton, PA 18235-0328. This proposed facility is located in Mahoning Township, **Carbon County**.

Description of Proposed Action: Renewal of NPDES permit only for the groundwater remediation.

NPDES Permit No. PA0051691, Industrial Waste, **Pharmachem Corporation**, 719 Stefko Boulevard, Bethlehem, PA 18016-1035. This proposed facility is located in Bethlehem City, **Northampton County** and discharges to UNT Lehigh Canal.

Description of Proposed Action/Activity: Renewal of NPDES permit.

NPDES Permit No. PA0031071, Sewage, **Saint Pius X Seminary**, 1000 Seminary Road, Dalton, PA 18414-9547. This proposed facility is located in Dalton Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Discharge 0.02 MGD of treated sewage to a wet weather channel to Ackerly Creek.

NPDES Permit No. PA0064220, Sewage, **Twin County Joint Municipal Authority**, 200 West Chapel Street, Hazleton, PA 18201. This proposed facility is located in North Union Township, **Schuylkill County** and discharge to Tomhickon Creek.

Description of Proposed Action/Activity: Issuance of NPDES permit to discharge 0.13 MGD of treated sewage to Tomhickon Creek.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0070351, Sewage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-D.

NPDES Permit No. PA0039730, Sewage, **RRP Recreation Limited Partnership**, 100 Chipmunk Crossing, Entrikey, PA 16638. This proposed facility is located in Lincoln Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to Tatman Run (Raystown Lake) in Watershed 11-D.

NPDES Permit No. PA0081817, Sewage, **Juniata County School District, East Juniata High School**, R. R. 2, Box 2411, McAlisterville, PA 17049. This proposed facility is located in Fayette Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to the Cocolamus Creek in Watershed 12-B.

NPDES Permit No. PA0031950, Sewage, **Department of Conservation and Natural Resources, State Parks Bureau, Little Buffalo State Park**, P. O. Box 8551, Harrisburg, PA 17105-8551. This proposed facility is located in Juniata Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Buffalo Creek in Watershed 12-B.

NPDES Permit No. PA0083224, Sewage, **Sun Motel 22, Inc., Motel 22**, R. R. 1, Box 1900, Mapleton Depot, PA 17052-9715. This proposed facility is located in Brady Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Juniata River in Watershed 12-C.

NPDES Permit No. PA0088978, Sewage, **West Pennsboro Township Municipal Authority**, 2150 Newville Road, Carlisle, PA 17013-8957. This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0081329, Sewage, **South Londonderry Township Municipal Authority**, Municipal Building, P. O. Box 3, Campbelltown, PA 17010-0003. This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7-G.

WQM Permit No. 2101409, Sewerage, **West Pennsboro Township Municipal Authority**, 2150 Newville Road, Carlisle, PA 17013-8957. This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities and sewers and appurtenances.

NPDES Permit No. PA0043541, Industrial Waste, **The Pfaltzgraff Company, Thomasville Complex**, Bowman Road, P. O. Box 244, Thomasville, PA 17364. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Honey Run in Watershed 7-F.

NPDES Permit No. PA0085103, Industrial Waste, **Dorma Door Controls, Inc.**, Dorma Drive, Reamstown, PA 17567. This proposed facility is located in East Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Stony Run in Watershed 7-J.

NPDES Permit No. PA0246671, CAFO, **Tom Bross IV, Huntington Farm**, 2454 Stoney Point Road, East Berlin, PA 17316-9710. This proposed facility is located in Huntington Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Approval for the operation of a 652 SEU swine Concentrated Animal Feeding Operation with a discharge to a UNT to Bermudian Creek in Watershed 7-F.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0043893, SIC 4952, **Western Clinton County Municipal Authority**, P. O. Box 363, Renovo, PA 17764-0363. This facility is located in Renovo Borough, **Clinton County**.

Description of Proposed Action/Activity: Renewal of a NPDES permit for municipal wastewater treatment facilities discharging treated effluent to the West Branch Susquehanna River.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PAS706101, Industrial, **Derry Construction Company, Inc.**, R. D. 5, Box 34, Latrobe, PA 15650 is authorized to discharge from a facility located at Delmont Asphalt Plant, Salem Township, **Westmoreland County** to receiving waters named unnamed tributary to Beaver Run.

NPDES Permit No. PA0024171-A1, Sewage, **Cambria Township Sewer Authority**, P. O. Box 247, Revloc, PA 15948 is authorized to discharge from a facility located at Colver Wastewater Treatment Plant, Cambria Township, **Cambria County** to receiving waters named Elk Creek.

NPDES Permit No. PA0094455, Sewage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671 is authorized to discharge from a facility located at Dogwood Acres MHP STP, Derry Township, **Westmoreland County** to receiving waters named McGee Run.

Permit No. 1101405, Sewerage, **Ebensburg Borough Municipal Authority**, 291 Trout Lane, Ebensburg, PA 15931. Construction of sanitary sewers, pump station and force main located in Cambria Township, **Cambria County** to serve Emerald Estates commercial and residential development.

Permit No. 6302406, Sewage, **Harry Fischer**, P. O. Box 260, Burgettstown, PA 15021. Construction of 400 GPD small flow treatment facility to serve a proposed two bedroom dwelling in Cross Creek Township, **Washington County** to serve Fischer Property STP.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U080-R	Hornstein Enterprises, Inc. 1150 S. Cedar Crest Blvd. Allentown, PA 18103	Northampton	Forks Township	Bushkill Creek HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Berks County Conservation District, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533; (610) 372-4657.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10C054	Mark Hassler 1681 Schubert Road Bethel, PA 19507	Berks	Rockland Township	Bieber Creek EV

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101714R1	J. Paul Linnan Department of Environmental Protection Abandon Mine Rec. Bureau P. O. Box 669 Knox, PA 16232	Clearfield	Huston Township	Bark Camp Run CWF

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10X104	Department of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Westmoreland County Mt. Pleasant Township	Welty Run HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)

PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG 2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Erie County Millcreek Township	PAR10K206	Maleno Developers, Inc. 2236 West 38th Street Erie, PA 16506	UNT to Mill Creek WWF	Erie County Conservation District (814) 825-6403
Erie County Millcreek Township	PAR10K208	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	UNT to Walnut Creek CWF	Erie County Conservation District (814) 825-6403
Erie County Washington Township	PAR10K209	Brian VanMatre 11160 Oliver Road McKean, PA 16426	UNT to Conneaut Creek WWF	Erie County Conservation District (814) 825-6403
Venango County Cherrytree Township	PAR107020	Carl Carlotti, V.P. National Fuel Gas Dist. Corp. 1100 State Street Erie, PA 16501	UNT to Cherrytree Run CWF	Venango County Conservation District (814) 676-2832
Luzerne County Nanticoke Borough	PAR10R265	Senior Healthcare Properties P. O. Box 1684 Plains, PA 18705	Espy Run CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Plains Township	PAR10R266	Michael Pasonick 165 N. Wilkes-Barre Blvd. Wilkes-Barre, PA 18702	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Nuangola Borough	PAR10R267	Earth Conservancy 101 S. Main St. Ashley, PA 18706	Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Jenkins Township	PAR10R268	Michael Kizis 1841 Highway 315 Pittston, PA 18640	Gardner Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Sugarloaf Township	PAR10R269	Bradley Miller P. O. Box 111 Conyngham, PA 18219	Tributary to Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Wayne County Clinton Township Starrucca Borough	PAR107800	Rail-Trail Council of Northeast PA P. O. Box 123 Forest City, PA 18421-0123	Susquehanna River CWF Lackawanna River CWF West Branch Lackawanna River CWF Starrucca Creek CWF	Northeast Regional Office Water Mgmt. Prog. 2 Public Square Wilkes-Barre, PA 18711-0790
Lackawanna County Fell Township Vandling Borough				
Susquehanna County Clifford, Herrick, Ararat, Thompson and Harmony Townships Forest City, Uniondale and Thompson Boroughs				

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Middle Creek, Bible, Freedom and Liberty Townships	PAR100152 (Formerly PAS100016)	Middle Creek Bible Conference, Inc. P. O. Box 1 Cascade, MD 21719	Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
West Hanover Township	PAR10I322	Lobar Associates, Inc. St. Police Bldg. at Clover Hill 4 Barlo Circle Dillsburg, PA 17019-0432	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Halifax Township	PAR10I283	Donald M. Lenker Lenker Estates P. O. Box 123 Dauphin, PA 17018	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Silver Spring Township Cumberland County	PAR10H162R	Waterford Square Assoc. Inc. 111 Centerville Road Lancaster, PA 17603	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
South Middleton Township Cumberland County	PAR10H306	Western Village Sewer P. O. Box 8 Boiling Springs, PA 17001	Alexander Spring Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAR10H4304	BPC Partners Mitsubishi 620 N. Reading Rd. Ephrata, PA 17522	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Washington Township	PAR10M276	Harry Fox, Jr. 17 Montego Court Dillsburg, PA 17019	Red Run CWF	Franklin County Conservation District Admin Annex, 218 N. 2nd Street Chambersburg, PA 17201 (717) 264-8074
Spring Garden Township York County	PAR10Y614	Joseph F. Barron III Spring Garden Township 558 S. Ogontz Ave. York, PA 17404	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township City of York Spring Garden Township York County	PAR10Y622	Mike Gillespie Department of Transportation, District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Mainstem, Oil Creek to Mouth WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAR10Y086RR	Reeser Estates Subdivision Lowell Reeser 905 Pleasant Grove Road York Haven, PA 17370	UNT to Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Penn Township York County	PAR10Y279RR	Norman Ray Melbourne Manor LLC 2700 Philadelphia Road Edgewood, MD 21040	UNT to West Branch Codorus Creek	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAR10Y213RR	Kevin Anderson AK Ventures LLC 19 N. Baltimore Street Dillsburg, PA 17019	Fishers Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR10Y016RR	Stone Enterprises Inc. 12 Stoneridge Drive New Freedom, PA 17349	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Beaver County Brighton Township	PAR100301	Beaver Area School District Victor Raskovsky 855 Second Street Beaver, PA 15009	Two Mile Run WWF Brady's Run TSF	Beaver County Conservation District (724) 774-7090
Cambria County Richland Township	PAR101061-1	Department of Transportation District 9-0 1620 N. Juniata St. Hollidaysburg, PA 16648	Solomon Run WWF	Cambria County Conservation District (814) 472-2120
Fayette County South Union Township	PAR10L087	James Rabatin The Redevelopment Authority of the County of Fayette 500 Court Plaza Tower 45 East Main Street Uniontown, PA 15401	Jennings Run WWF	Fayette County Conservation District (724) 438-4497
Washington County Cecil Township	PAR10W219	Gino Torriero 3 Glass Street, Suite B Carnegie, PA 15106	Tributary Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Washington County Chartiers Township	PAR10W221	Ridgewood Dev. Associates 3380 Babcock Blvd. Pittsburgh, PA 15237	Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
McKean County Eldred Township	PAR104111	Whidbey Resources, Inc. P. O. Box 2239 Hudson, OH 44236	Unnamed tributaries to Potato Creek CWF	Northwest Region Oil and Gas Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6860
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Hanover Township	PAR202243	VICWEST Division of Jenisys Engineered Products 420 Stewart Road Wilkes-Barre, PA 18706	Unnamed tributary of Sugar Notch Run	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Schuylkill County Minersville Borough	PAR802233	Con-Way Transportation Services c/o CNF, Inc. 3240 Hillview Avenue Palo Alto, CA 94304-1220	Unnamed tributary to Little Schuylkill River CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Foster Township	PAR502208	Commonwealth Environmental Systems, L.P. P. O. Box 249 Dunmore, PA 18512	Swatara Creek CWF Middle Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lackawanna County Dunmore Borough	PAR502203	Keystone Sanitary Landfill, Inc. P. O. Box 249, Dunham Dr. Dunmore, PA 18512	Eddy Creek WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lehigh County Upper Macungie Township	PAR122203	Diageo 7880 Penn Drive Breinigsville, PA 18031	Iron Run Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Blair County Logan Township	PAR503504	Waste Management of PA, Inc. Altoona Solid Waste Transfer Station P. O. Box 310 Altoona, PA 16603	UNT Little Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Neville Township Allegheny County	PAR606143	Heidelberg Metals Inc. d/b/a Neville Metals 3100 Grand Avenue Pittsburgh, PA 15225-1502	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Collier Township Allegheny County	PAR706118	The Lane Construction Corp. 965 E. Main Street Meriden, CT 06450	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
McKees Rocks Borough Allegheny County	PAR706119	The Lane Construction Corp. 965 E. Main Street Meriden, CT 06450	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Industry Beaver County	PAR806182	Arrow Terminals 2701 Midland Beaver Road Industry, PA 15052	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Industry Beaver County	PAR806183	Arrow Terminals 2701 Midland Beaver Road Industry, PA 15052	Six Mile Run Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Delmar Township Tioga County	PAG045022	Charles R. Groff P. O. Box 172 Earlville, PA 19519	UNT Marsh Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAG045015	Vernon W. Moss R. D. 5, Box 258A Wellsboro, PA 16901	UNT Wilson Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Cross Creek Township Washington County	PAG046262	Harry Fischer P. O. Box 260 Burgettstown, PA 15021	Middle Fork Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Logan Township Blair County	PAG083511	Altoona City Authority Altoona Easterly Wastewater Treatment Facility 3172 Route 764 Duncansville, PA 16635-7800	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Allegheny Township Blair County	PAG083512	Altoona City Authority Altoona Westerly Wastewater Treatment Facility 3172 Route 764 Duncansville, PA 16635-7800	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 0902508, Public Water Supply.

Applicant

Falls Township
188 Lincoln Highway
Suite 100
Fairless Hills, PA 19030

Township Falls
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Unitech Engineers, Inc.
 654 N. Woodbourne Road
 Langhorne, PA 19047
 Permit to Construct December 13, 2002
 Issued

Operations Permit issued to **Pennsylvania Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 1090005, Chalfont Borough, **Bucks County** on December 14, 2002, for the operation of facilities approved under Construction Permit 0902502.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Operations Permit issued to **Crystal Spring Water Company**, 7366118, Millcreek Township, **Lebanon County** on December 13, 2002, for the operation of facilities approved under Construction Permit No. 3801509 MA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Pennsylvania Suburban Water Company**
 Richard T. Subasic
 Vice President/General Manager
 204 East Sunbury Street
 Shamokin, PA 17872-4859
 Township Monroe Township
 County **Snyder**
 Type of Facility PWS—Minor Amendment authorizes operation of the 12-inch interconnection line between the former Monroe Manor and Rolling Green Public Water Supply systems.
 Consulting Engineer CET Engineering Services
 321 Washington Street
 Huntingdon, PA 16652
 Permit to Operate December 18, 2002
 Issued

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Robert Schnitzler, Operations Manager
 105 Sodom Road
 Milton, PA 17847
 Township Rush Township
 County **Centre**
 Type of Facility PWS—Upgrades to pumps at the Moshannon Valley Economic Development Partnership Pump Station.

Consulting Engineer Garry Kephart
 Pennsylvania American Water Company
 Route 350 South
 P. O. Box 707
 Philipsburg, PA 16866
 Permit to Operate December 16, 2002
 Issued

Permit No. 1401501—Operation, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Robert Schnitzler, Operations Manager
 105 Sodom Road
 Milton, PA 17847

Township Rush Township
 County **Centre**
 Type of Facility PWS—Moshannon Valley Economic Development Partnership Pump Station.

Consulting Engineer Garry Kephart
 Pennsylvania American Water Company
 Route 350 South
 P. O. Box 707
 Philipsburg, PA 16866
 Permit to Operate December 16, 2002
 Issued

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant **East Haines Township Water Company**
 Dwight Orndorf, Chairperson
 P. O. Box 46
 Woodward, PA 16882

Township Haines Township
 County **Centre**
 Type of Facility PWS—Construction of a 50,000 gallon finished water storage tank.

Consulting Engineer Herbert, Rowland & Grubic, Inc.
 Jason D. Wert, P. E.
 474 Windmere Drive
 State College, PA 16801
 Permit to Construct December 18, 2002
 Issued

Permit No. 4102501—Construction, Public Water Supply.

Applicant **GSP Management Company**
 James Perano
 Box 677
 Morgantown, PA 19543

Township Upper Fairfield Township
 County **Lycoming**
 Type of Facility PWS—Construction of a 23,000 gallon storage tank, a 2,000 gallon storage tank and a booster pump station.

Consulting Engineer Alex A. McIntyre, P. E.
1297 Wheatland Ave.
Lancaster, PA 17603

Permit to Construct December 19, 2002
Issued

Permit No. Minor Amendment—Construction.
Public Water Supply.

Applicant **Kreamer Municipal Authority**
George W. Robinson,
Chairperson
P. O. Box 220
Kreamer, PA 17833

Township Middlecreek Township

County **Snyder County**

Type of Facility PWS—Painting of tank 1.

Consulting Engineer William E. Sidler, P. E.
52 Schoolhouse Lane
Turbotville, PA 17772

Permit to Construct December 19, 2002
Issued

*Northwest Region: Water Supply Management Program
Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

Operations Permit issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on December 17, 2002, for the operation of facilities approved under Construction Permit 2594507-MA7.

Operations Permit issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on December 19, 2002, for the operation of facilities approved under Construction Permit 1010-T1-MA3.

Operations Permit issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on December 19, 2002, for the operation of facilities approved under Construction Permit 1010-T1-MA4.

Operations Permit issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on December 19, 2002, for the operation of facilities approved under Construction Permit 2595501-MA2.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response and Public Hearing

Boldan-Davis Site, Penn Township, Westmoreland County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the Boldan-Davis Site (Site), Penn Township, Westmoreland County.

The Site is located to the west of Bolen Lane in Penn Township. The Site consists of an area containing an unknown quantity of partially buried and buried drums. The Site is located on property adjacent to the Boldan Landfill Site, a 118-acre abandoned landfill that received both industrial and municipal waste from 1958 to 1970.

The Department is currently conducting an investigation at the Boldan Landfill Site. William Bolen, the original owner and operator of the landfill also owned the Site. William Bolen began operating an unpermitted landfill in 1958 that included the Boldan Landfill Site as well as the Site. The Boldan Landfill Site received municipal as well as industrial waste. It is unknown if municipal waste is also buried at the Site, however several exposed drums containing various wastes are present at the Site. Prior to the landfill, the Site was used for coal strip mining and it appears that industrial waste was deposited in pits left from the mining.

Soil and waste samples were collected at the Site. Hazardous contaminants were detected in the soil and waste. The Site currently poses a substantial threat to public health, safety and the environment.

The Department considered several alternatives for a response at the site including: no action; restricting the Site; and conducting an investigation.

The Department determined that conducting a further investigation at the Site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the Site to protect human health and the environment. The Department's proposed action is intended to fully characterize the Site and enable the Department to determine the most appropriate method to remediate the Site.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from January 4, 2003, until April 4, 2003. Persons may submit written comments into the record during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing scheduled on February 4, 2003, at 7:30 p.m. in the Harrison Room, 1010 Mill Street, Harrison City. Persons wishing to present comments must register before January 31, 2003, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Proposed Interim Response

Boldan Landfill, Penn Township, Westmoreland County

The Department, under the authority of the HSCA, is proposing an interim response at the Boldan Landfill Site

(Site), Penn Township, Westmoreland County. The Site is located in Penn Township, Westmoreland County.

The Site is located at the end of Bolen Lane, approximately 0.5 mile south of Route 130. The Site consists of an abandoned, unpermitted landfill that received industrial and municipal waste. The Department completed an investigation of the Site in November 2002, and determined that there is an ongoing release of hazardous substances at the Site that may present a substantial danger to the public health, safety or the environment. The industrial waste area of the site poses a direct contact threat to the public and a threat of soil and groundwater contamination.

The Department considered several alternatives at the Site, including: no action; securing of the Site; and removal and disposal of the hazardous substances located in the industrial waste portion of the Site. The Department determined that removal and disposal of the hazardous materials in the industrial waste area of the Site is the appropriate course of action. This alternative was selected because it complies with all applicable laws and regulations and is determined to be the most environmentally sound procedure for this Site.

This notice is being provided under section 506(b) of the HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response action, is available for public review and comment at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from January 4, 2003, until April 4, 2003. Persons may submit written comments into the record, during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing scheduled on February 4, 2003, at 7 p.m. in the Harrison Room, 1010 Mill Street, Harrison City. Persons wishing to present comments must register before January 31, 2003, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4182.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at

a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Koppenhaver Residence, Montgomery Township, **Franklin County**. Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049, on behalf of Ricky and Debra Koppenhaver, 11311 Claylick Road, Mercersburg, PA 17236, submitted a Final Report concerning remediation of site soils and groundwater contaminated with kerosene. The report is intended to document remediation of the site to the Statewide Health Standard.

Former DuPont Electronics Fishing Creek Facility, Fairview Township, **York County**. DuPont Engineering, Barley Mill Plaza, Building 27, Lancaster Pike and Route 141, Wilmington, DE 19805 submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with solvents. The report is intended to document remediation of the site to a combination of Statewide Health and Site Specific Standards.

Teledyne Readco Lot 2A, Spring Garden Township, **York County**. Gannett Fleming, Inc., 1650 Manheim Pike, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17405, submitted a Remedial Investigation and Risk Assessment concerning remediation of site soils contaminated with inorganics. The applicant proposes to remediate the site to meet the Site Specific Standard.

Sun Pipe Line Company Stutzman Farm, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sun Pipeline Line Company, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils contaminated with fuel oil No. 2 and unleaded gas. The report is intended to document remediation of the site to the Statewide Health Standard.

Columbia Gas Grant Street Site, City of York, **York County**. NiSource Corporate Services Corporation, P. O. Box 117, Columbus, OH 43216 resubmitted a Cleanup Plan concerning remediation of site soils contaminated with BTEX and PAHs. The site is being remediated to meet the Site Specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut St., Meadville, PA 16335.

John Maneely Company, Wheatland Cold Draw Plant, P. O. Box 608, Wheatland, PA 16161, Wheatland Borough, **Mercer County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 16205-9702 (on behalf of John Maneely Company, Wheatland Cold Draw Plant) has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with solvents in the soil and sulfate in the groundwater. The report is intended to document remediation of the site to meet the Site Specific Standards. Public notice in the *Sharon Herald* will be complete on or about December 17, 2002.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative

form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Altemos Fuel Oil Company Terminal Property, City of Allentown, **Lehigh County**. Michael Cody, Project Director, Cody Ehlers Group, 140 Sherman Street, Fairfield, CT 06430 submitted a Final Report (on behalf of Louis Dreyfus Corporation, 20 Westport Road, Wilton, CT 06897) concerning the remediation of no. 2 fuel oil, kerosene and leaded gasoline constituents in soils and no. 2 fuel oil and leaded gasoline constituents in groundwater. The report documented attainment of the Statewide Health Standard and was approved on December 17, 2002.

Camp Williams—Northern NJ Council of the Boy Scouts of America, Dingman Township, **Pike County**. Thomas M. Hippensteal, P. G., Mid-Atlantic Associates, P.A., P. O. Box 1128, North Wales, PA 19454 submitted a Final Report (on behalf of Northern NJ Council of the Boy Scouts of America, 25 Ramapo Valley Road, Oakland, NJ 07436) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant elected to withdraw the report on December 17, 2002, until additional information can be provided to document attainment of the Statewide Health Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Defense Distribution Depot Susquehanna PA SWMU No. 27 (formerly Tank 950), Fairview Township, **York County**. Weston Solutions, P. O. Box 2653, West Chester, PA 19380, on behalf of Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, New Cumberland, PA 17070-5001, submitted a remedial investigation report concerning the remediation of site groundwater contaminated with VOCs. The applicant is seeking attainment of a Site-Specific Standard. The report was approved by the Department on December 9, 2002.

Sun Pipe Line Company Stutzman Farm, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sun Pipeline Line Company, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a Final Report concerning remediation of site soils contaminated with fuel oil No. 2 and unleaded gas. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 17, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 101427. Pine Grove Landfill, Inc., P. O. Box 307, Pine Grove, PA 17963. A Major Permit Modification approving a Radiation Protection Action Plan for this municipal waste landfill located in Pine Grove Township, **Schuylkill County**. The permit was issued by the Regional Office on December 14, 2002.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

DW Transport & Leasing, P. O. Box 462, 33 Pequot Road, Uncasville, CT 06382-0462. Authorization No. WH1568. Effective December 9, 2002.

John Pfrommer LLC, 1320 Ben Franklin Highway E., Douglassville, PA 19518. Authorization No. WH1569. Effective December 9, 2002.

Miners Oil Co., 284 SR 209 Highway, P. O. Box 86, Tremont, PA 17901. Authorization No. WH1572. Effective December 9, 2002.

Calgon Carbon Corp., P. O. Box 717, Pittsburgh, PA 15230-0717. Authorization No. WH1649. Effective December 9, 2002.

Raritan Valley Disposal, P. O. Box 276, 14 Holland Brook Road, Whitehouse Station, NJ 08809. Authorization No. WH1724. Effective December 9, 2002.

Michael Joseph Aman, Jr., 213, 3449 B Ct. Road, Clyde, OH 43410. Authorization No. WH2334. Effective December 9, 2002.

William N. Crawford, 11187 Burt Road, Riley, MI 48041. Authorization No. WH2335. Effective December 9, 2002.

Scott A. Bemiller, 895 Trails End Drive, Mansfield, OH 44903. Authorization No. WH2339. Effective December 9, 2002.

Leon Balduff, 6076 E. SR 6, Vickery, OH 43464. Authorization No. WH2347. Effective December 9, 2002.

Waste Management of PA Inc., 1121 Bordertown Road, Morrisville, PA 19067. Authorization No. WH1436. Effective December 12, 2002.

E & J Transport, 3638 Casanova Road, R. R. 2, Box 440, Munson, PA 16860. Authorization No. WH0871. Effective December 13, 2002.

Wellyson Gontijo, Apt. 2 Flr., 155 Ripley Place, Elizabeth, NJ 07206. Authorization No. WH0881. Effective December 13, 2002.

Joe & Sons Trucking, 91-20 172nd Street, Queens, NY 11432. Authorization No. WH0984. Effective December 4, 2002.

Threaded Screw Product Co., Inc., P. O. Box 507, 230 Barley Sheaf Road, Thorndale, PA 19372. Authorization No. WH0985. Effective December 4, 2002.

Ademar A. Dasilva, 677 Market Street, Newark, NJ 07105. Authorization No. WH1030. Effective December 13, 2002.

Ricardo B. Avelino, 401 West End Avenue, Long Branch, NJ 07740. Authorization No. WH1032. Effective December 10, 2002.

Wallace G. Moreira, 14 Prospect Street, Danbury, CT 06810. Authorization No. WH1033. Effective December 10, 2002.

Evaristo J. Capela, 84 Somme Street, Newark, NJ 07105. Authorization No. WH1034. Effective December 10, 2002.

R & T Trucking, R. R. 1, Box 520, Brockway, PA 15824. Authorization No. WH1035. Effective December 10, 2002.

Noel Faber Castrosuarez, 301 MLK Boulevard, Siler City, NC 27344. Authorization No. WH1036. Effective December 10, 2002.

Ponte's Used Auto Parts, 55 New York Avenue, Mantua, NJ 08051-1159. Authorization No. WH1037. Effective December 10, 2002.

Waste Recovery Solutions, Inc., 343 King Street, Myerstown, PA 17067. Authorization No. WH1038. Effective December 10, 2002.

D & S Restoration Inc., 200 California Avenue, Patterson, NJ 07503. Authorization No. WH1039. Effective December 10, 2002.

Dennis Shaffer Disposal, 479 Pleasant Stream Road, Trout Run, PA 17771-8493. Authorization No. WH1040. Effective December 10, 2002.

G. R. O., Inc., 7474 Shipley Avenue, Hanover, MD 21076-3162. Authorization No. WH1041. Effective December 10, 2002.

C & M Sanitation & Son, Inc., 267 Thorne Hill Road, Shickshinny, PA 18655. Authorization No. WH1042. Effective December 10, 2002.

Ivan K. Martin Trucking, 895 Maple Street, Lititz, PA 17543-9759. Authorization No. WH1043. Effective December 10, 2002.

Keith A. Kemp, 194 Beavers Road, Birdsboro, PA 19508-7909. Authorization No. WH1044. Effective December 10, 2002.

J. V. Heidler Co., Inc., 209 Hazel Street, Lancaster, PA 17603. Authorization No. WH1045. Effective December 10, 2002.

Graham Trucking, Inc., 14 Conestoga Street, Washington, PA 17582. Authorization No. WH1046. Effective December 10, 2002.

Jeffrey Weathers Hauling, 237 East Ross Street, Lancaster, PA 17602-1939. Authorization No. WH1047. Effective December 10, 2002.

Rebecca M. Seyler, 647 Valley Road, Williamsport, PA 17702-0647. Authorization No. WH1048. Effective December 10, 2002.

Barry K. Beegle, P. O. Box 127, Bedford, PA 15522-0127. Authorization No. WH1049. Effective December 10, 2002.

Richard Scheiber, P. O. Box 107, Kylertown, PA 16847-0107. Authorization No. WH1050. Effective December 10, 2002.

All Construction & Repair, R. R. 7, Box 7828, Stroudsburg, PA 18360-8642. Authorization No. WH1102. Effective December 13, 2002.

Robert L. Lackner, 69 Calvary Road, Charleroi, PA 15022. Authorization No. WH1103. Effective December 13, 2002.

Reese's Sanitation, 2014 Palo Alto Road, Hyndman, PA 15545-8808. Authorization No. WH1104. Effective December 13, 2002.

Atlantic Roofing Corporation, 313 Big Road, P. O. Box 135, Zieglerville, PA 19492. Authorization No. WH1106. Effective December 13, 2002.

Salandro's Refuse, Inc., P. O. Box 392, Roosevelt Way, Crabtree, PA 15624. Authorization No. WH1107. Effective December 13, 2002.

Colonial Metals Company, P. O. Box 311, 217 Linden Street, Columbia, PA 17512-0311. Authorization No. WH1108. Effective December 13, 2002.

Richard S. Adamik, 142 Callen Road, Sarver, PA 16055-1304. Authorization No. WH1109. Effective December 13, 2002.

Accurate Metals, LLC, 29 North 5th Street, P. O. Box 312, Darby, PA 19023. Authorization No. WH1110. Effective December 13, 2002.

S & E Cordova Trucking, Inc., 278 St. Nicholas Avenue, Brooklyn, NY 11237. Authorization No. WH1111. Effective December 13, 2002.

Ademar A. Dasilva, 677 Market Street, Newark, NJ 07105. Authorization No. WH1112. Effective December 13, 2002.

Bald Knob Trucking, Inc., 445 Hoover Road, Schellsburg, PA 15559. Authorization No. WH1117. Effective December 13, 2002.

Fred Hamm, Inc., P. O. Box 5096, 640 Railroad Street, Jersey Shore, PA 17740-0596. Authorization No. WH1118. Effective December 13, 2002.

Daniel G. Corrales, 24 Weaver Street, Summit, NJ 07901-2441. Authorization No. WH1119. Effective December 13, 2002.

Dawn D. Payne, 3314 Old Berwick Road, Bloomsburg, PA 17815. Authorization No. WH1153. Effective December 13, 2002.

Clinton County Solid Waste Authority, 264 Landfill Lane, P. O. Box 209, McElhattan, PA 17748-0209. Authorization No. WH1154. Effective December 13, 2002.

Athens Township, Bradford County, Athens Township Municipal Building, 184 Herrick Avenue, Sayre, PA 18840. Authorization No. WH1155. Effective December 13, 2002.

National Waste Service, LLC, 11 Lincoln Avenue, Bay Shore, NY 11706-1013. Authorization No. WH1156. Effective December 13, 2002.

Lonnie V. Norris, 99 Horse Shoe Road, Rising Sun, MD 21911. Authorization No. WH1157. Effective December 13, 2002.

Recep Amankasoglu, 601 Valley Brook Avenue, Lyndhurst, NJ 07071. Authorization No. WH1159. Effective December 13, 2002.

Koco Nestorovski, 15 Elizabeth Street, Paterson, NJ 07503. Authorization No. WH1160. Effective December 13, 2002.

DWS Transportation, LLC, 10 Amara Court, Old Bridge, NJ 08857. Authorization No. WH1161. Effective December 13, 2002.

C. S. Edie, Inc. d/b/a Edie Waste Movers, 325 Bacon Road, P. O. Box 74, Brogue, PA 17309. Authorization No. WH1162. Effective December 13, 2002.

Chrin of Delaware Inc., 400 South Greenwood Avenue, Easton, PA 18045-3776. Authorization No. WH0694. Effective December 6, 2002.

Baldev Singh, 150A Bay Shore Drive, Barnegat, NJ 08005. Authorization No. WH0766. Effective December 12, 2002.

Ronald E. Litz, Box 323, Howard, PA 16841. Authorization No. WH0854. Effective December 6, 2002.

Charles Worzel, 116 Worzel Drive, R. R. 1 Box 449-B, Shohola, PA 18458-9801. Authorization No. WH0936. Effective December 6, 2002.

West Chester Borough, Chester County, 401 East Gay Street, West Chester, PA 19380-2729. Authorization No. WH0961. Effective December 6, 2002.

Clifford Hill Sanitation Service Inc., 780 Noble Street, Kutztown, PA 19530. Authorization No. WH0963. Effective December 6, 2002.

Rozner's Refuse, 1070 Wayne Street, Washington, PA 15301-2304. Authorization No. WH0964. Effective December 12, 2002.

Manor Township, Lancaster County, 950 West Fairway Drive, Lancaster, PA 17603-5902. Authorization No. WH0965. Effective December 6, 2002.

David J. Bitonti, 4330 Rehobath Church Road, Permyopolis, PA 15473-1329. Authorization No. WH0966. Effective December 6, 2002.

X/S Waste Transport, 20 Oak Road, Elizabethtown, PA 17022. Authorization No. WH0967. Effective December 6, 2002.

Surinder S. Aulakh, 4219 Williamsburg Drive, Harrisburg, PA 17109. Authorization No. WH0968. Effective December 6, 2002.

Dino A. Ventura, 306 Monroe Avenue, Brownsville, PA 15417. Authorization No. WH0969. Effective December 6, 2002.

Rickey Shreiner, 1021 Little Mountain Road, Myerstown, PA 17067. Authorization No. WH0991. Effective December 6, 2002.

Anthony Tauriello, 1683 Breakers Drive, Manahawkin, NJ 08050. Authorization No. WH0993. Effective December 6, 2002.

Republic Services of New Jersey Inc., P. O. Box 188, Lincroft, NJ 07738-0188. Authorization No. WH0995. Effective December 6, 2002.

M&M Trucking, 91 Vincent Drive, Burlington, NJ 08016. Authorization No. WH0996. Effective December 6, 2002.

Nejla Bayram, 95 Cedar Lane, Florence, NJ 08512. Authorization No. WH0997. Effective December 6, 2002.

Fahrettin K. Kahyaoglu, 215 East Camden Avenue, Moorestown, NJ 08057. Authorization No. WH0998. Effective December 6, 2002.

NJRA Trucking Inc., 1702 Northumberland Way, Monmouth Junction, NJ 08852. Authorization No. WH0999. Effective December 6, 2002.

Top Soil Depot Inc., 190 Pompton Plains Crossroads, Wayne, NJ 07470. Authorization No. WH1000. Effective December 6, 2002.

Weather Control Company, 336 Church Alley, Montoursville, PA 17754. Authorization No. WH1068. Effective December 12, 2002.

Bowser Construction Company Inc., P. O. Box 7105, 1585 Commerce Drive, Lancaster, PA 17604-7105. Authorization No. WH1069. Effective December 12, 2002.

Steinbacher Enterprises Inc., 8130 South Route 44 Highway, Williamsport, PA 17702. Authorization No. WH1070. Effective December 12, 2002.

Mack & Sons, 1524 Pottstown Avenue, Pennsburg, PA 18073. Authorization No. WH1071. Effective December 12, 2002.

Highview Estate Stock Farm Inc., 3008 Hauch Road, Green Lane, PA 18054. Authorization No. WH1072. Effective December 12, 2002.

Willow Grove Navel Air Station, Building 78 Code 89, Joint Reserve Base, Willow Grove, PA 19090. Authorization No. WH1075. Effective December 12, 2002.

Bizup Refuse Company, Montieue Drive, P. O. Box 42, Stahlstown, PA 15687-0042. Authorization No. WH1076. Effective December 12, 2002.

Mueller & Sons Trucking, 298 New Turnpike, Cohecton, NY 12726-5029. Authorization No. WH0952. Effective December 10, 2002.

York Roofing Inc., P. O. Box 1589, 1281 West King St., York, PA 17404. Authorization No. WH0956. Effective December 10, 2002.

Ubalдино D. Reis, Apt. 2A, 17 Teaneck Road, Ridgefield Park, NJ 07660-2315. Authorization No. WH1120. Effective December 10, 2002.

Newborn Transport, Inc., 272 Tomas St., Newark, NJ 07114-2807. Authorization No. WH1121. Effective December 10, 2002.

Wallace G. Moreira, 65 Putnan Park Road, Bethel, CT 06801-2908. Authorization No. WH1123. Effective December 10, 2002.

Mivard Knupfer, 385 Lynn St., New Bedford, MA 02745. Authorization No. WH1124. Effective December 10, 2002.

Jose Nobre Reis, Apt. 2B, 55 Fleming St., Newark, NJ 07114-2807. Authorization No. WH1125. Effective December 10, 2002.

Antonio R. Teixeira, 22 Monroe St., Newark, NJ 07114-2807. Authorization No. WH1126. Effective December 10, 2002.

Simon Resources, Inc., 2525 Trenton Ave., P. O. Box 3275, Williamsport, PA 17701. Authorization No. WH1128. Effective December 10, 2002.

Penn Recycling, Inc., P. O. Box 3514, 2525 Trenton Ave., Williamsport, PA 17701. Authorization No. WH1129. Effective December 10, 2002.

Coatesville Scrap Iron & Metal Co. Inc., P. O. Box 3185, 2525 Trenton Avenue, Williamsport, PA 17701. Authorization No. WH1130. Effective December 10, 2002.

Dwight E. Miller Trucking, 11004 Route 66, Clarion, PA 16214. Authorization No. WH1131. Effective December 10, 2002.

Poor Boys Used Auto Parts, 532 W. Annsbury St., Philadelphia, PA 19140. Authorization No. WH1132. Effective December 10, 2002.

K & A Auto Salvage Inc., 2304-2350 E. Somerset St., Philadelphia, PA 19134. Authorization No. WH1133. Effective December 10, 2002.

Briar Creek Construction Co., 72 Croop Road, Berwick, PA 18603-5256. Authorization No. WH1134. Effective December 10, 2002.

East Penn Mfg. Co., Deka Road, P. O. Box 147, Lyon Station, PA 19536-0147. Authorization No. WH1136. Effective December 10, 2002.

Foster Township, Schuylkill County, 19 Lower Beechwood Ave., Pottsville, PA 17901. Authorization No. WH1137. Effective December 10, 2002.

David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655. Authorization No. WH1138. Effective December 10, 2002.

Stock Building Supply, P. O. Box 369, 3246 Lincoln Hwy. E., Paradise, PA 17562. Authorization No. WH1139. Effective December 10, 2002.

Roll Off Container Service LLC, P. O. Box 474, 1267 Belden Rd., Osterburg, PA 16667. Authorization No. WH1146. Effective December 10, 2002.

Heim's Disposal Services Inc., HC 63 Box 3, ReBuck, PA 17867. Authorization No. WH1147. Effective December 10, 2002.

Dainty Rubbish Service Inc., 90 Industrial Park Road, Middletown, CT 06457-1521. Authorization No. WH1142. Effective December 16, 2002.

Oscar H. Bedoya, Apt. 2F, 53 69th Street, Guttenberg, NJ 07093. Authorization No. WH1098. Effective December 16, 2002.

Hatfield Quality Meats Inc., 2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902. Authorization No. WH1100. Effective December 16, 2002.

Jose W. Arevalo, 258 Haldon Avenue, Prospect Park, NJ 07508. Authorization No. WH1099. Effective December 16, 2002.

All Jersey Express Co., P. O. Box 346, Totowa, NJ 07511-0346. Authorization No. WH1144. Effective December 16, 2002.

Daniel M. Rojeski, 1093 Camp Nancy Road, Apollo, PA 15613. Authorization No. WH1145. Effective December 16, 2002.

Delvin G. Foster, 309 E. 21st St., Patterson, NJ 07513. Authorization No. WH0909. Effective December 16, 2002.

Donald J. Franey, P. O. Box 23, Jone St., Lilly, PA 15938. Authorization No. WH1052. Effective December 16, 2002.

C R Dematteis Trucking, 248 Bushwack Road, Johnstown, PA 15904. Authorization No. WH1053. Effective December 16, 2002.

Lancaster City, P. O. Box 1599, 120 N. Duke St., Lancaster, PA 17608-1599. Authorization No. WH1060. Effective December 16, 2002.

Professional Clean Out Services Inc., 154 E. Brookhaven Road, Brookhaven, PA 19015-2310. Authorization No. WH1063. Effective December 16, 2002.

Ira Middlesworth & Sons Inc., 250 Furnace Rd., P. O. Box 354, Middleburg, PA 17842-0354. Authorization No. WH1064. Effective December 16, 2002.

Reiber Construction Co. Inc., 140 Campmeeting Road Ext., Sewickley, PA 15143. Authorization No. WH1067. Effective December 16, 2002.

Seemo Trucking Inc., 88-27 81st Ave., Glendale, NY 11385. Authorization No. WH1088. Effective December 16, 2002.

Joshua G. Shroyer, P. O. Box 362, 291 Cooks Rd., Ellerslie, MD 21529. Authorization No. WH1090. Effective December 16, 2002.

Shippen Township, Cameron County, P. O. Box 349, Emporium, PA 15834. Authorization No. WH1091. Effective December 16, 2002.

James W. Dunn, 1813 5th St., Altoona, PA 16601. Authorization No. WH1092. Effective December 16, 2002.

Kenneth J. Dunn, 118 E. Walnut Ave., Altoona, PA 16601. Authorization No. WH1093. Effective December 16, 2002.

Department of Transportation, 400 North St., 6th Fl. Keystone Blvd., Maint. and Opr. Bur., Harrisburg, PA 17120-0041. Authorization No. WH1096. Effective December 16, 2002.

Michael Lefebvre, Main St., P. O. Box 214, Karthaus, PA 16874. Authorization No. WH1097. Effective December 16, 2002.

Environmental Service Inc., 133 Commack Road, Mastic Beach, NY 11951. Authorization No. WH1056. Effective December 9, 2002.

Eddystone Borough, Delaware County, 1300 E. 12th St., Eddystone, PA 19022-1348. Authorization No. WH1057. Effective December 9, 2002.

HL Wiker & Sons Inc., P. O. Box 11055, 709 Hartman Station Road, Lancaster, PA 17605-1055. Authorization No. WH1058. Effective December 9, 2002.

U.S. Liquids of PA Inc., 199 Clyde Street, Ellwood City, PA 16117. Authorization No. WH1011. Effective December 9, 2002.

J. Guilliano & Sons, P. O. Box 1027, Sayreville, NJ 08871-1027. Authorization No. WH1009. Effective December 13, 2002.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

GP4-67-03119: Sipe's Electric Motor Repairs, Inc. (4848 Walter's Hatchery Road, Spring Grove, PA 17371) on December 16, 2002, was authorized to operate a burn off oven under GP4 in North Codorus Township, **York County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

26-00547A: Mypodiamond, Inc. (1101 Mount View Drive, Smithville, PA 15478) on December 16, 2002, for construction of an industrial diamond manufacturing plant at the Fayette Business Park in Georges Township, **Fayette County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejksznier, Acting New Source Review Chief, (570) 826-2531.

45-310-026: Hanson Aggregates PA, Inc. (P. O. Box 231, Easton, PA 18044-0231) on December 16, 2002, for construction of a stone crusher and associated air cleaning device in Hamilton Township, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

07-05031A: Union Tank Car Co. (P. O. Box 2003, Altoona, PA 16603-2003) on December 17, 2002, for construction of a railroad tank car sandblast operation controlled by two fabric collectors in the City of Altoona, **Blair County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

25-972A: Insul Board (2120 Colonial Avenue, Erie, PA 16505) on December 9, 2002, for a molding operation in Erie, **Erie County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

16-132B: Temple Inland Forest Products Corp., Clarion (1 Fiberboard Avenue, Shippensburg, PA 16254) on December 31, 2002, for operation of the fiberboard plant in Paint Township, **Clarion County**.

25-648A: NEPA Energy LP (10915 Ackerman Lane, North East, PA 16428) on November 30, 2002, for construction of a boiler in North East, **Erie County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-03104: Industrial Polishing & Grinding, Inc. (50 North Harrison Street, York, PA 17403) on December 17, 2002, for operation of its metal parts grinding and polishing facility in the City of York, **York County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

08-313-042C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on December 6, 2002, to authorize the use of air cleaning devices (a cartridge collector and an absolute filter operating in series) identified in the permit to control the particulate matter emissions from several pieces of metal powders processing equipment not previously identified in the permit in North Towanda Township, **Bradford County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

43-00310: Duferco Farrell Corp. (15 Roemer Boulevard, Farrell, PA 16121) for operation of their Farrell Plant in Farrell City, **Mercer County**. The Title V Operating Permit (issued on July 14, 2000, and revised on May 24, 2002) was modified in accordance with the requirements in 25 Pa. Code § 127.462 on December 17, 2002, to incorporate emission reduction credits (ERCs) conditions. The ERCs are from the permanent shutdown of the following sources: Soaking Pit Furnaces (Blocks 8—11), Soaking Pit Furnaces (12—13), Blooming Mill Scarfer, Acid Regeneration Roaster and 22 Anneal furnaces (26 furnaces and heaters).

24-00123: Superior Greentree Landfill (635 Toby Road, Kersey, PA 15846) for operation of their Landfill in Fox Township, **Elk County**. The Title V Operating Permit (issued March 10, 1999, and amended on November 6, 2001) was Administratively Amended on December 18, 2002, to incorporate plan approval (24-123C) conditions. This plan approval was for the installation of two temporary candlestick flares.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); and The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Actions

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc. (US Route 22, Delmont, PA 15626). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Burrell and South Bend Townships, **Armstrong County**, affecting 93.0 acres. Receiving streams: unnamed tributary to Crooked Creek and Crooked Creek. Application received November 1, 2002. Renewal issued December 17, 2002.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56010104 and NPDES Permit No. PA0249041. Godin Brothers, Inc., 128 Colton Drive, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Lincoln and Jenner Townships, **Somerset County**, affecting 136.4 acres. Receiving streams: Quemahoning Creek and unnamed tributaries to Quemahoning Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Dam. Application received August 31, 2001. Permit issued December 12, 2002.

32010112 and NPDES Permit No. PA0249084. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Burrell Township, **Indiana County**, affecting 80.4 acres. Receiving streams: unnamed tributary to Blacklick Creek and Blacklick Creek classified for CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received October 24, 2001. Permit issued December 19, 2002.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

64012803. Darryl H. Williams and Rosalind M. Williams (409 Stock Farm Road, Lake Ariel, PA 18436), commencement, operation and restoration of a quarry operation in Salem Township, **Wayne County**, affecting

5.0 acres. Receiving stream: tributary to Wallenpaupack Creek. Application received October 26, 2001. Permit issued December 16, 2002.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture Contract Awarded	BF 275-102.1
Location	Glenn Coal Company Beaver Township, Jefferson County
Description	Abandoned Mine Land Reclamation
Contractor	J & J Snyder, Inc. Mayport, PA
Amount	\$169,317.50
Date of Award	December 12, 2002
Bond Forfeiture Contract Awarded	BF 424-101.1
Location	Benjamin Coal Company Bell Township, Clearfield County
Description	Abandoned Mine Land Reclamation
Contractor	T. P. Sanitation Loretto, PA
Amount	\$189,727.50
Date of Award	November 22, 2002

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

40024028. Mark Grundowski (3090 Lower Demunds Road, Dallas, PA 18612) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Lake Township, **Luzerne County** with an expiration date of January 31, 2003. Permit issued December 16, 2002.

06024049. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Lower Heidelberg Township, **Berks County** with an expiration date of December 31, 2004. Permit issued December 16, 2002.

21024058. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Hampden Township, **Cumberland County** with an expiration date of December 31, 2004. Permit issued December 16, 2002.

23024015. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Upper Providence Township, **Delaware County** with an expiration date of December 31, 2004. Permit issued December 16, 2002.

38024034. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in South Annville Township,

Lebanon County with an expiration date of December 31, 2004. Permit issued December 16, 2002.

67024049. Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Springettsbury Township, **York County** with an expiration date of January 6, 2004. Permit issued December 17, 2002.

46024072. Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Upper Salford Township, **Montgomery County** with an expiration date of January 1, 2004. Permit issued December 17, 2002.

45024086. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Pocono Township, **Monroe County** with an expiration date of November 21, 2003. Permit issued December 17, 2002.

28024036. Charles E. Brake Company, Inc. (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting in Guilford Township, **Franklin County** with an expiration date of March 31, 2003. Permit issued December 17, 2002.

28024035. Charles E. Brake Company, Inc. (6450 Lincoln Way West, St. Thomas, PA 17252), construction blasting in Washington Township, **Franklin County** with an expiration date of February 28, 2003. Permit issued December 17, 2002.

21024059. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of July 6, 2003. Permit issued December 17, 2002.

38024035. DOLI Construction Corporation (120 Independence Lane, Chalfont, PA 18914), construction blasting in the City of Lebanon, **Lebanon County** with an expiration date of April 10, 2003. Permit issued December 18, 2002.

40024029. Marcy and John Freeman (P. O. Box 123, Drifton, PA 18221) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Hazle Township, **Luzerne County** with an expiration date of January 5, 2003. Permit issued December 18, 2002.

21024060. Cumberland Valley Drilling & Blasting (6820 Wertzville Road, Enola, PA 17025), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of December 31, 2003. Permit issued December 18, 2002.

40024030. Northeast Blasting (R. R. 6 Box 6692, Honesdale, PA 18431), construction blasting in Pittston Township, **Luzerne County** (Ottara Industrial Park) with an expiration date of December 31, 2003. Permit issued December 18, 2002.

58024005. Paulyn Manufacturing Houses (R. R. 1 Box 1040, Lawton, PA 18828) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Rush Township, **Susquehanna County** with an expiration date of January 31, 2003. Permit issued December 18, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description*).

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E40-598. Carlin J. Oberst, 369 Crane Road, Shavertown, PA 18708. Dallas Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in 0.06 acre of wetlands, in the drainage basin of Huntsville Creek, for the purpose of constructing a dance studio, associated parking and stormwater management facilities. The project includes construction of a 12-inch stormwater outfall structure in wetlands and an 8-inch stormwater outfall structure along the right bank of a tributary to Huntsville Creek. The permittee is required to provide for 0.06 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the north side of the intersection of SR 0415 and Township Road T-793 (Harveys Lake, PA Quadrangle N: 17.0 inches; W: 0.1 inch).

E40-611. Department of Transportation, Engineering District 4-0, P.O. Box 111, Scranton, PA 18501. Slocum Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structures and to construct and maintain two road crossings of a tributary to Pond Creek (known as Black Brook). The upstream proposed structure is a 10.0-foot by 6.0-foot reinforced concrete box culvert with its invert depressed 1.0 foot below streambed elevation and the downstream structure is a 14.0-foot by 6.0-foot reinforced concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The structures are located approximately 1,000 feet apart, along SR 3005, Sections 370 and 371, just east of the Slocum Township/Conyngham Township boundary (Nanticoke, PA Quadrangle N: 0.8 inch; W: 10.3 inches).

E40-609. PPL Susquehanna, LLC, 634 Salem Boulevard, Berwick, PA 18603. Salem Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: (1) replace and maintain 13 culverts, ranging from 24 inches to 48 inches in diameter, in wetlands at the Susquehanna Steam Electric Station Riverlands; (2) to install and maintain riprap shoreline stabilization along approximately 100 linear feet of the northeastern shoreline of Lake Took-a-while; (3) to maintain approximately 230 linear feet of riprap shoreline protection along the central-eastern shoreline of Lake Took-a-while; and (4) to maintain 3 existing bridges across the canal adjacent to the lake, with work consisting of restoring riprap protection around the abutments. The project is located north of Township Road T-421, between SR 0011 and the Susquehanna River (Berwick, PA Quadrangle N: 14.5 inches; W: 1.3 inches).

E40-607. Jeffrey and Kathy Jean Barrett, 75 Hickory Street, Trucksville, PA 18708. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 1,280-square foot pile-supported residential dock structure in Harveys Lake. The proposed structure extends 50 feet from the shoreline and has an overall width of 30 feet, with areas of open water between the structure and the shoreline. The project includes the construction of approximately 1,280 square feet of spawning bed area for mitigation, by placing 4 inches of washed AASHTO 10 stone on the lake bed around the structure. The project is located on Lot 2 of the Sequoia Subdivision, at Pole No. 288 (Harveys Lake, PA Quadrangle N: 18.3 inches; W: 6.1 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-232. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Cumberland Township, **Adams County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a new bridge with a span of 38 feet on a 70 degree skew with a minimum underclearance of 6.35 feet across Willoughby Run (WWF) on SR 0030, Segment 0240, Offset 1720 (Lincoln Highway) located just outside the Gettysburg National Military Park boundary (Fairfield, PA Quadrangle N: 16.33 inches; W: 0.9 inch) in Cumberland Township, Adams County.

E01-238. Latimore Township, P. O. Box 218, York Springs, PA 17372 in Latimore Township, **Adams County**, ACOE Baltimore District.

To repair two deteriorated concrete bridge abutments and replace a wooden plank deck on a bridge that crosses Latimore Creek (WWF) at the intersection of Ridge Road and Latimore Valley Road (Dillsburg, PA Quadrangle N: 2.0 inches; W: 9.8 inches) in Latimore Township, Adams County.

E07-345. Antis Township, 909 N. Second Street, Bellwood, PA 16617 in Antis Township, **Blair County**, ACOE Baltimore District.

To remove an existing crossing of twin 48-inch corrugated metal pipes and to construct and maintain an 87-inch by 63-inch single span metal pipe arch crossing of an unnamed tributary to the Little Juniata River (WWF) at a point along River Road (T-502) (Bellwood, PA Quadrangle N: 21.9 inches; W: 9.9 inches) in Antis Township, Blair County. The culvert will be depressed at least 1 foot below the existing streambed elevation and parallel to the existing streambed slope.

E21-344. Robert and Tina Kemper, 21 N. Humer Street, Enola, PA 17025 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To maintain fill approximately 1,800 linear feet placed within the floodway of an unnamed tributary to Conodoguinet Creek (WWF) at a point behind the residence at 31 North Humer Street, Enola, PA (Harrisburg, PA Quadrangle N: 7.5 inches; W: 9.1 inches) in East Pennsboro Township, Cumberland County.

E34-104. Groninger Farms, LLP, P. O. Box 63, Mexico, PA 17056 in Fermanagh Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 39 feet and an underclearance of 7.5 feet across the channel of Horning Run (WWF) at a point approximately 800 feet

downstream of Route 22/322 (Mifflintown, PA Quadrangle N: 17.8 inches; W: 5.4 inches) in Fermanagh Township, Juniata County.

E34-106. Lamar Advertising Company, 308 S. 10th Street, Lemoyne, PA 17043 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To install two billboards in 0.001 acre of palustrine emergent wetlands adjacent to the Juniata River (WWF) at a point along SR 3002 (Millerstown, PA Quadrangle N: 11.5 inches; W: 8.5 inches) in Delaware Township, Juniata County.

E34-107. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830 Tuscarora Township, **Juniata County**, ACOE Baltimore District.

To remove the existing two span bridge and to construct and maintain a bridge with a span of 61 feet on a 38.5 degrees skew with a minimum underclearance of 6.2 feet across Laurel Run (WWF) on SR 0850, Section A02, Segment 120, Offset 1089 located in Honey Grove Village (McCoysville, PA Quadrangle N: 4.5 inches; W: 7.0 inches) to Tuscarora Township, Juniata County.

E36-745. Lancaster Township, 1240 Maple Avenue, Lancaster, PA 17603 in Lancaster Township, **Lancaster County**, ACOE Baltimore District.

To maintain the existing abutments and to construct and maintain: (1) two pedestrian footbridges crossing the Little Conestoga Creek (WWF) at points near the intersection of Columbia Avenue and Stonemill Road (Lancaster, PA Quadrangle N: 6.9 inches; W: 13.0 inches); and (2) a single pedestrian bridge with abutments across an unnamed tributary to Little Conestoga Creek (WWF) at a point approximately 1,000 feet south of the intersection of Columbia Avenue and Stonemill Road (Lancaster, PA Quadrangle N: 5.9 inches; W: 12.95 inches) in Lancaster Township, Lancaster County.

E50-203. Leo A. Williams, Jr., 954 Fox Hollow Road, Shermansdale, PA 17090 Carroll Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a single span bridge having a clear span of 15.0 feet and an underclearance of 35 feet across an unnamed tributary to Sherman Creek (WWF) and to authorize 0.008 acre of new and 0.026 acre of previously placed wetland fill for the associated driveway approaches for the purpose of accessing a private property located along the south side of Fox Hollow Road (T-303) about 3.1 miles west of its intersection with SR 0034 (Shermans Dale, PA Quadrangle N: 8.8 inches; W: 11.9 inches) in Carroll Township, Perry County. The permittee has met the 0.06-acre wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Fund.

E67-712. Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Blvd., Level 10, Houston, TX 77056 in Peach Bottom and Lower Chanceford Townships, **York County**, ACOE Baltimore District.

To construct and maintain two stream realignments and stabilize the stream banks for: (1) an unnamed tributary to Fishing Creek (TSF) (Delta, PA Quadrangle N: 20.8 inches; W: 16.4 inches) in Peach Bottom Township, York County; and (2) an unnamed tributary to Muddy Creek (TSF) (Holtwood, PA Quadrangle N: 1.8 inches; W: 13.6 inches) in Lower Chanceford Township, York County.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E11-297. Borough of Patton, P. O. Box 175, Patton, PA 16668. Patton Borough and Elder Township, **Cambria County**, ACOE Pittsburgh District.

To upgrade and maintain the existing wastewater treatment plant and the water treatment plant in the 100-year floodplain of Chest Creek (CWF), including upgrades to two remote pump stations, the elimination of an outfall along Chest Creek (CWF) at the water treatment plant, the installation and maintenance of a 14-inch sanitary sewer line across Chest Creek (CWF) and a 14-inch sanitary sewer line across an unnamed tributary to Chest Creek (CWF) and the construction and maintenance of a new 16-inch outfall structure along Chest Creek (CWF) at the wastewater treatment plant. The project is located off of SR 36 (Hastings, PA Quadrangle N: 2.0 inches; W: 3.5 inches).

E26-296. Borough of Fairchance, 125 West Church Street, Fairchance, PA 15436. Fairchance Borough, **Fayette County**, ACOE Pittsburgh District.

To operate and maintain an infiltration trench across an isolated wetland within the Georges Creek (WWF) watershed, in association with the construction of stormwater management facilities in the Glass Factory area, along an alley between Delveresse and Diamond Streets. The project will affect less than 0.01 acre of wetlands (Brownfield, PA Quadrangle N: 14.7 inches; W: 17.4 inches).

E56-321. Summit Township Supervisors, Industrial Park Road, P. O. Box 27, Meyersdale, PA 15552. Summit Township, **Somerset County**, ACOE Pittsburgh District.

To operate and maintain a 38-foot long culvert consisting of an existing 6.2-foot diameter steel pipe and a proposed 6-foot diameter corrugated metal pipe (invert depressed 1 foot) in Miller Run (CWF) and 15 linear feet of gabion basket at both approaches of the culvert. The structure is located on T-363 (FiHoss Lane) at a point approximately 200 feet south of SR 219 (Meyersdale, PA

Quadrangle N: 8.4 inches; W: 5.4 inches).

E63-516. Washington County Council on Economic Development, 100 West Beau Street, Suite 703, Washington, PA 15301-4432. Hanover Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in a total of 0.4 acre of wetlands adjacent to unnamed tributaries to Raccoon Creek (WWF) for the purpose of constructing the Starpointe Industrial Park located on the north side of U.S. Route 22, located approximately 400 feet northeast from the intersection of U.S. Route 22 and SR 0018. The applicant has met the wetland requirement by contributing to the Wetland Replacement Fund (Burgettstown, PA Quadrangle N: 10.3 inches; W: 6.7 inches).

E65-809. Westmoreland County, Westmoreland County Public Works, R. D. 12 Box 203, Donohue Road, Greensburg, PA 15601-9217. Mount Pleasant Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a single span pedestrian bridge having a normal span of 50.0 feet and an underclearance of 6.0 feet across Welty Run (HQ-CWF) for the purpose of providing a handicapped accessible walkway around Mammoth Lake. The project is located in Mammoth Park off of SR 982, approximately 8 miles south of it intersection with Route 30 (Mammoth, PA Quadrangle N: 16.3 inches; W: 10.8 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-28-001	Robert L. Greene Industrial Power Generating Corp 2250 Dabney Road Richmond VA, 23230	Franklin	Peters Township	Eight ASTs storing distillate oil	237,000 gallons total
				One AST storing lube oil	2,000 gallons

SPECIAL NOTICES

Approved Alternate Liners for Pits at Oil and Gas Well Sites

The Department of Environmental Protection (Department) is issuing this notice under 25 Pa. Code § 78.62. Operators of oil and gas wells are notified that the following liner is approved by the Department for use at a well site to contain drill cuttings from below the casing seat and well drilling, exploration and production wastes as described in 25 Pa. Code §§ 78.61(c) and 78.62, pro-

vided the installation procedures set forth in 25 Pa. Code § 78.62 are followed.

2080B 20 mil liner Horner Plastics, Inc.
P. O. Box 19
Oliveburg, PA 15764

Inquiries regarding this notice should be directed to Ron Gilius, Division of Surface Activities, Bureau of Oil and Gas Management, (717) 772-2199.

[Pa.B. Doc. No. 03-24. Filed for public inspection January 3, 2003, 9:00 a.m.]

Availability of Grants for the Collection of Waste Tires for Counties, Local Municipalities and Non-profit Organizations for Fiscal Year 2002-2003

The Department of Environmental Protection (Department) announces the availability of \$250,000 of grant funding through Act 111 of 2002, which amended the Waste Tire Recycling and Small Business and Household Pollution Prevention Program Act of 1996 (Act 190) for fiscal year 2002-2003 for the operation of waste tire collection programs in this Commonwealth. The grants are limited to counties, local municipalities and nonprofit organizations that sponsor waste tire collection programs.

Only Department-approved sponsors are eligible to receive reimbursement for eligible cost associated with a tire collection program. To be considered for a grant, a sponsor: (1) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; (2) must complete a Waste Tire Collection Application for Registration (application) and receive approval from the Department to conduct the collection; (3) conduct a waste tire collection program within the guidelines established by the application instructions; and (4) submit an application detailing eligible collection, transportation, management and education costs.

Grant funds are intended for activities directly related to the collection of waste tires, including collection, transportation and management costs as well as contractor mobilization and demobilization fees and associated educational program and advertising costs. Grants may not be used for the purchase of equipment or the remediation of waste tire piles. Grant recipients shall receive reimbursement only for those activities approved by the Department. No more than 12 tires per participant may be brought to a collection.

Applicants must complete and submit an application. The application contains the materials and instructions necessary for registering a waste tire collection program. Copies of these documents are available by contacting the Division of Waste Minimization and Planning, (717) 787-7382 or may be obtained electronically from the Department's website: <http://www.dep.state.pa.us>. Programs will be accepted based on the time and date a complete and approvable registration is received by the Department. The completed application shall be sent to Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301, thyatt@state.pa.us. Applications that are incomplete will not be approved.

Maximum reimbursement to a sponsor will be limited by the following formula: 2000 census population \times .04 \times \$2 or \$25,000, whichever is less.

Applications must be submitted no later than 90 days after the date of collection. For collections held between April 15, 2003, and June 30, 2003, grant requests must be submitted prior to July 15, 2003.

Persons who have questions about this grant program should contact the Division of Waste Minimization and Planning, (717) 787-7382.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 03-25. Filed for public inspection January 3, 2003, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "July 2002 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2003.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-0400-104. Title: Health Effects and Risk Management Guidance. Description: This guidance was developed as part of the Department's continuing effort to provide basic information and guidance to staff and personnel responding to contamination incidents. Department staff will follow the guidance presented in this document to respond to the occurrence of regulated and unregulated contaminants found in public drinking water systems. Anticipated Effective Date: February 15, 2003. Comment Period Ends: February 3, 2003. Contact: JoAnne Gordon at (717) 772-4467 or e-mail joagordon@state.pa.us.

Notice of Intent to Rescind

DEP ID: 363-2134-011. Title: General Policy on Review of Erosion and Sediment Control Plans. Description: With the implementation of the Chapter 102 Rules and Regulations in 2000, the guidance is no longer correct, valid or appropriate. The Erosion and Sediment Pollution Control Manual, 363-2134-008, dated April 15, 2000, has superseded it. Effective Date: January 4, 2003. Contact: Ken Reisinger at (717) 787-6827 or e-mail kereisinge@state.pa.us.

Draft Technical Guidance

DEP ID: 562-4100-311. Title: Enforcement Procedures for Nonmining Blasting Operations and Explosive Storage Sites. Description: This document describes the methods the Department will use for ensuring compliance on nonmining blasting operations and explosives storage sites. This guidance applies to blasting activity permits, blaster's licenses, all nonmining blasting operations and explosive storage sites. Anticipated Effective Date: March 22, 2003. Comment Period Ends: February 3, 2003. Contact: Rick Lamkie at (717) 787-5103 or e-mail rlamkie@state.pa.us.

Final Technical Guidance

DEP ID: 362-0300-008. Title: Experimental Systems Guidance. Description: This guidance applies to the siting, design and construction of experimental onlot sewage systems proposed under the requirements of Chapter 73, Section 73.71. The purpose of this document is to provide current technical standards for experimental onlot systems and to update these standards periodically through amendments to this document. Effective Date: January 4, 2003. Contact: Karen Fenchak at (717) 787-8184 or e-mail kfenchak@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 03-26. Filed for public inspection January 3, 2003, 9:00 a.m.]

Coastal Zone Advisory Committee Meeting

The Coastal Zone Advisory Committee will hold its next meeting on January 16, 2003, at 10:30 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting was originally scheduled for December 11, 2002, but was rescheduled because of adverse weather.

Questions concerning this meeting can be directed to Everald McDonald, (717) 772-5619, emcdonald@state.pa.us. An agenda for this meeting will be available on the Public Participation Center of the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact Everland McDonald, (717) 772-5619 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 03-27. Filed for public inspection January 3, 2003, 9:00 a.m.]

Laboratory Accreditation Advisory Committee; Ad Hoc Work Group Meeting

The Department of Environmental Protection's Laboratory Accreditation Advisory Committee (Committee) established an ad hoc work group to consider education, training and proficiency requirements for persons receiving accreditation and performing testing and analysis through accreditation by rule. The scope of accreditation by rule will also be considered.

The ad hoc work group will meet on January 9, 2003, at 9 a.m. in Room 15B, Rachel Carson State Office Building, 400 Market Street, Harrisburg. Questions concerning this meeting should be directed to Richard Sheibley, Chief, Laboratory Accreditation Program, Bureau of Laboratories, (717) 705-2425, rsheibley@state.pa.us.

The ad hoc work group will report on its deliberations at the full Committee meeting scheduled for February 13, 2003.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 03-28. Filed for public inspection January 3, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH**Requests for Exception; Long-Term Care Nursing Facilities**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.18(e), 205.6(a) and 211.12(b) (relating to management; function of building; and nursing services):

Angela Jane Pavilion
8410 Roosevelt Boulevard
Philadelphia, PA 19152

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Mon Valley Care Center
404 Coyle Curtain Road
Monongahela, PA 15063

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone numbers or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 03-29. Filed for public inspection January 3, 2003, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, January 22, 2003, from 10 a.m. to 3 p.m. The meeting will be held at the Department of Health, Conference Room 812, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services, (717) 772-4959 or for speech and/or hearing impaired persons, V/TT (717)783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 03-30. Filed for public inspection January 3, 2003, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Approval of Stream Evaluation Recommendation

Frya Run, Northampton County

On December 17, 2002, the Environmental Quality Board (Board) adopted the recommendation of the Department of Environmental Protection (Department) to retain the current High Quality-Cold Water Fishes, Migratory Fishes designation for Frya Run in Northampton County. This designation was originally established for Frya Run based upon the results of a stream study conducted by the Department in October 1990.

The Department evaluated Frya Run in response to a petition submitted to the Board in September 1997 by the Fry's Run Residents' Group. In its petition, the group requested that Frya Run (locally known as Fry's Run) be redesignated to Exceptional Value (EV) status. As a result of the petition, the Department conducted field surveys on Frya Run in December 1997 and March 2000. The Department's surveys included a comparison of biological data collected from two stations on Frya Run to data collected from two tributaries to Cooks Creek, an EV reference stream in Bucks County. The results of the analysis, along with a review of other attributes of the basin, indicated that no portion of the Frya Run basin qualified as surface waters of exceptional ecological significance or met any of the other EV criteria listed in 25 Pa. Code § 93.4b(b) (relating to qualifying as High Quality or Exceptional Value waters).

The Board's adoption of the Department's recommendation on December 17, 2002, concludes the review and consideration of the petition submitted by the Fry's Run Residents' Group for Frya Run.

Questions concerning the petition, evaluation or the Board's action may be directed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526.

DAVID E. HESS,
Chairperson

[Pa.B. Doc. No. 03-31. Filed for public inspection January 3, 2003, 9:00 a.m.]

Cancellation of Meeting

The January 21, 2003, Environmental Quality Board (Board) meeting has been canceled due to inaugural

activities for Governor-elect Rendell. The next meeting of the Board is tentatively scheduled for Tuesday, February 18, 2003, in Room 105, Rachel Carson State Office Building.

DAVID E. HESS,
Chairperson

[Pa.B. Doc. No. 03-32. Filed for public inspection January 3, 2003, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Pennsylvania Health Care Cost Containment Council have been scheduled: Wednesday, January 8, 2003, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m.; Thursday, January 9, 2003, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings, should contact Cherie Elias, Pennsylvania Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 03-33. Filed for public inspection January 3, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Michael L. Kempfski; Doc. No. SC02-09-015

Notice is hereby given of the Amended Order to Show Cause issued on December 10, 2002, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 604 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 234 and 279), 31 Pa. Code §§ 37.46, 37.47, 51.21, 51.28 and 51.32 and section 5 (a)(2) of the Unfair Insurance Practices Act (40 P. S. § 1171.5).

Respondent shall file a written answer to the Amended Order to Show Cause within 15 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-34. Filed for public inspection January 3, 2003, 9:00 a.m.]

List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from this listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (Sep-

tember 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 26 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998); 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 5033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001) and 31 Pa.B. 7083 (December 29, 2001).

Qualified Reinsurers List

1. 10651 AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
2. 37990 American Empire Insurance Company, Cincinnati, Ohio
3. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
4. 10316 Appalachian Insurance Company, Johnston, Rhode Island
5. 27189 Associated International Insurance Company, Woodland Hills, California
6. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
7. 19925 Audubon Indemnity Company, Ridgeland, Mississippi
8. 36552 AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware
9. 36951 Century Surety Company, Columbus, Ohio
10. 81914 Clarica Life Insurance Company, Brookfield, Wisconsin
11. 97071 Clarica Life Reinsurance Company, Lansing, Michigan
12. 39993 Colony Insurance Company, Richmond, Virginia
13. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
14. 27955 Commercial Risk Re-Insurance Company, South Burlington, Vermont
15. 10928 Eagle Insurance Company, Jersey City, New Jersey
16. 10240 E+S Ruckversicherungs Aktiengesellschaft, Hannover, Germany
17. 40509 EMC Reinsurance Company, Des Moines, Iowa
18. 90670 ERC Life Reinsurance Corporation, Jefferson City, Missouri
19. 39020 Essex Insurance Company, Wilmington, Delaware
20. 35378 Evanston Insurance Company, Evanston, Illinois
21. 92673 Gerling Global Life Insurance Company, Los Angeles, California
22. 87017 Gerling Global Life Reinsurance Company, Los Angeles, California
23. 37532 Great American E & S Insurance Company, Wilmington, Delaware
24. 41858 Great American Fidelity Insurance Company, Wilmington, Delaware
25. 88340 Hannover Life Reassurance Company of America, Orlando, Florida
26. 10241 Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany
27. 93505 Hartford International Life Reassurance Corporation, Hartford, Connecticut

28. 78972 Healthy Alliance Life Insurance Company, St. Louis, Missouri
29. 42374 Houston Casualty Company, Houston, Texas
30. 27960 Illinois Union Insurance Company, Chicago, Illinois
31. 22829 Interstate Fire & Casualty Company, Chicago, Illinois
32. 35637 Landmark Insurance Company, Los Angeles, California
33. 29912 Legion Indemnity Company, Chicago, Illinois
34. 19437 Lexington Insurance Company, Wilmington, Delaware
35. 41939 Liberty Northwest Insurance Corporation, Portland, Oregon
36. Lloyd's Underwriters, London, England
37. 10744 Markel International Insurance Company Limited, London, England
38. 32089 Medmarc Mutual Insurance Company, Montpelier, Vermont
39. 14591 Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin
40. 33189 Monticello Insurance Company, Wilmington, Delaware
41. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska
42. 85472 National Security Life and Annuity Company, New York, New York
43. 41629 New England Reinsurance Corporation, Hartford, Connecticut
44. 17400 Noetic Specialty Insurance Company, Chicago, Illinois
45. 31143 Old Republic Union Insurance Company, Chicago, Illinois
46. 88099 Optimum Re Insurance Company, Dallas, Texas
47. 38636 Partner Reinsurance Company of the U. S., New York, New York
48. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama
49. 29807 PXRE Reinsurance Company, Hartford, Connecticut
50. 10679 St. Paul Reinsurance Company, Limited, London, England
51. 21911 San Francisco Reinsurance Company, Novato, California
52. 87572 Scottish Re (U.S.), Inc., Wilmington, Delaware
53. 41297 Scottsdale Insurance Company, Columbus, Ohio
54. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
55. 10743 Sphere Drake Insurance Company Limited, Brighton, England
56. 10932 Starr Excess Liability Insurance Company, Ltd., Wilmington, Delaware
57. 39187 Suecia Insurance Company, Nanuet, New York
58. 93483 Swiss-Am Reassurance Company, Wilmington, Delaware
59. 19887 Trinity Universal Insurance Company, Dallas, Texas
60. 37982 Tudor Insurance Company, Keene, New Hampshire
61. 10292 Unionamerica Insurance Company Limited, London, England
62. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York
63. 28053 United Coastal Insurance Company, Phoenix, Arizona
64. 13021 United Fire & Casualty Company, Cedar Rapids, Iowa
65. 38032 US International Reinsurance Company, Manchester, New Hampshire
66. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia
67. 13196 Western World Insurance Company, Keene, New Hampshire
68. 10242 Zurich Specialties London Limited, London, England

**Changes to the Qualified Unlicensed Reinsurers
List Since it was Published on December 29, 2001**

The following companies have voluntarily asked to be removed from the list since it was published on December 29, 2001:

Acceptance Insurance Company, Council Bluffs, Iowa
CNA Reinsurance Limited, London, England
Chubb Custom Insurance Company, Dover, Delaware
INEX Insurance Exchange, Chicago, Illinois

Executive Risk Specialty Insurance Company,
Simsbury, Connecticut
Pacific Insurance Company, Chicago, Illinois
United Capitol Insurance Company, Chicago, Illinois

The following company has been removed from the list because it merged into a licensed company since the list was published on December 29, 2001:

Manulife Reinsurance Corporation (USA), Bloomfield Hills, Michigan

The following company has been removed from the list because it became licensed in Pennsylvania after the list was published on December 29, 2001:

ACE Guaranty Re Inc., New York, New York

The following companies changed their names since the list was published on December 29, 2001:

Coregis Indemnity Company, Chicago, Illinois, changed its name to Noetic Specialty Insurance Company, Chicago, Illinois.

Terra Nova Insurance Company Limited changed its name to Markel International Insurance Company Limited, London, England.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-35. Filed for public inspection January 3, 2003, 9:00 a.m.]

Procedures Applicable to Right-to-Know Request; Notice 2003-01

This written policy identifies the procedures for requesting records from the Insurance Department (Department) under the act of June 21, 1957 (P. L. 390) (65 P. S. §§ 66.1—66.9), known as the Right-to-Know Law (RTKL). This policy supplements Management Directive 205.36.

Requests

1. A request to the Department made under the RTKL must be in writing and must:

- a. Identify the requester by name;
- b. Aver whether the requester is a resident of this Commonwealth;
- c. Identify a return mailing address;
- d. Expressly state that the request is being made under the RTKL; and
- e. Bear the requester's signature.

2. RTKL requests must be sent or delivered by mail, hand-delivery or facsimile transmission. Other than facsimile transmission, no electronic transmission is acceptable. The Department will not accept verbal requests.

3. RTKL requests must be sent or delivered to Peter J. Salvatore, Right to Know Law Official, Right to Know Law Office, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969.

4. If a RTKL request is sent to a Department office other than the RTKL Office, that office may return the request to the requester and inform the requester that the request must be sent to the RTKL Office.

5. The regular business hours of the RTKL Office are 8 a.m. to 4:30 p.m., Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours shall be deemed to have been received by that office on the following business day. For example, a facsimile transmission received at 10 p.m. on a Friday is deemed to be received on the following Monday (unless that Monday is a nonbusiness day, such as, a holiday).

6. Only a natural person that is a resident of this Commonwealth is entitled access to public records under the RTKL. In determining whether a requester is a resident of this Commonwealth, the RTKL Official may

require the requester to provide proof of residency, such as a photographic identification. For example, a driver's license containing a picture of the requester and showing a Commonwealth address is photographic identification.

7. A RTKL request may be denied if it does not identify the records requested with sufficient specificity. In conducting an initial review of a RTKL request, the RTKL Official may contact (or attempt to contact) the requester to obtain clarification or additional information to aid the RTKL Official in responding to the request. The request should contain a telephone number, fax number or e-mail address where the RTKL Official may reach the requester.

8. The RTKL Official shall make a final or interim response to a RTKL request within 10 business days after receiving the request. A business day does not include: a Saturday or Sunday; a day when the offices of the Department are closed for all or part of a day due to a State holiday; partial and full day closings of State offices pursuant to management directives; a day when the offices of the Department are closed due to a natural disaster; or a day when Department offices are closed at the request or direction of a local, State, or Federal law enforcement agency or official. For purposes of determining the end of the 10-business-day period, the day a RTKL request is received (or deemed received) is not counted.

9. A response that denies a request (either in whole or in part) will list all of the specific reasons relied on by the RTKL Official for denying the request and will include one or more citations of supporting authority. If a reason for denial is a determination that an identified document is not a public record, the specific reason for that determination will be included.

10. In the event that the RTKL Official's final response is a denial or a partial denial, the response to the requester will contain: 1) the typed or printed name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued, 2) a notice informing the requester of his or her right to file exceptions with the Department, 3) a statement of the procedure that the requester shall follow to file exceptions contesting the denial, 4) the name and mailing address of the Department's RTKL Exceptions Office and Officer, and 5) the words "Mailing Date" followed by date on which the denial or partial denial is mailed.

11. If the RTKL Official does not respond to the request within 10 business days after a RTKL request is docketed as having been received, a RTKL request shall be deemed to have been denied and the requester may file an exception.

Exceptions

12. Exceptions to a written denial must be filed within 15 business days of the mailing date of the written denial.

13. Exceptions to a deemed denial must be filed within 15 calendar days of the date the request is deemed denied.

14. Exceptions to a denial or partial denial of a request must be set forth in writing and must be correctly addressed and submitted to the Department's RTKL Exceptions Official. Exceptions submitted to any other official, office or address are defective and do not stop the running of the 15-day exceptions period. Exceptions must be sent or delivered to James Johnson, Right to Know

Law Exceptions Official, Administrative Hearings Office, Insurance Department, Capital Associates Building, 901 North Seventh Street, Harrisburg, PA 17102, fax (717) 787-8781.

15. Exceptions are considered filed as of the mailing date to the Administrative Hearings Office.

16. When exceptions are submitted by posting them through the United States mail, their mailing date is the date of the postmark on the envelope. If the postmark is illegible, the mailing date is deemed to be the calendar day that immediately preceded the date on which the exceptions are received, unless that immediately preceding date is a Sunday or a Federal holiday.

17. If exceptions are filed in person, by facsimile transmission, by courier service, by overnight mail or parcel delivery service, or in any way other than by sending them through the United States mail, their mailing date is deemed to be the date the exceptions are received by the Administrative Hearings Office, except that exceptions received by the Administrative Hearings Office after the close of the usual business hours of that office are deemed to be received on the next business day. The regular business hours of the Administrative Hearings Office are 8 a.m. to 4:30 p.m., Monday through Friday.

18. Exceptions to a denial or a partial denial of a request may not be submitted through the use of email.

19. Exceptions that are untimely will be dismissed for that reason.

20. Exceptions must state the reason upon which the requester asserts that the record to which the requester has been denied access is a public record. Reasons not set forth during the 15-day period in which exceptions must be filed are deemed to be waived and will be disregarded by the Administrative Hearings Office.

21. Exceptions must address the reasons stated by the RTKL Official in denying the request. Exceptions that fail to comply with this requirement will be dismissed for that reason.

22. If the request is denied due to a deemed denial, the requester is not required to set forth any grounds for contesting the denial. The RTKL Exceptions Official shall consider the cases for both the requester and the RTKL Official. The RTKL Official may raise available defenses to the request.

23. Unless the requester agrees otherwise, when a requester files exceptions to a denial, the Administrative Hearings Office will issue a final determination within 30 calendar days of the mailing date of the exceptions. If the requester requests a hearing, the Administrative Hearings Office may condition the grant of that request upon the requester's written consent or agreement to an extension of the time for a decision on the exception.

24. Exceptions are resolved by a final determination, which is a final order of the Administrative Hearings Office. A final determination shall be set forth in writing. If the Administrative Hearings Office determines that the RTKL Official correctly denied the request for access, the Administrative Hearings Office will issue a written explanation to the requester of the reason for the denial by the last day a decision on the exception is due.

25. Either the requester or the RTKL Official may request a hearing on the exceptions. The decision to hold a hearing rests in the discretion of the RTKL Exceptions Official and is not appealable.

Access

26. Providing a requester with physical access to a document in an office of the Department is a "response" for the purposes of the RTKL. Only the RTKL Official has the authority to permit this access. Hours of access shall be 8 a.m. to 4:30 p.m., Monday through Friday.

27. A public record will be provided to the requester in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. Where the record is only available in electronic form, the Department will print it out on paper if the requester so requests.

28. The Department may make its public records available through its website. However, if access to public records is available only through electronic means, the Department will provide access to the records at an office of the Department.

29. Subject to the concurrence and approval of the Department, a requester may bring his or her own photocopying equipment, computers and other equipment into the Department's offices for the purposes of making copies of public records.

Fees

30. *Photocopies*—One "photocopy" is either a single-sided copy or one side of a double-sided copy.

One side of a standard 8.5" × 11" page is \$0.15 if using the agency's copiers.

One side of any irregular sized page will be determined on an as-needed basis, with the fee to be not less than \$0.15 and not more than \$0.50.

31. Other Materials

PC Diskettes—\$1 per disk

Microfilm/microfiche—\$30 per page

32. Postage

Material fitting into standard letter envelope is mailed at no charge.

Material fitting into a non-standard envelope is mailed at actual cost.

33. If redaction is required before the public records can be accessed or copied for the benefit of the requester, the Department will charge the requester \$10 per hour with a minimum charge of \$10.

34. The cost to certify the copies for the purpose of legally verifying the public record shall be \$1 per side of a standard 8.5" × 11" page.

35. The Department may require prepayment if the anticipated cost to fulfill the request exceeds \$100. Unless prepayment is made by certified check, access will be denied until a regular check clears. If the fee is for copying only, the Department shall allow access to the records but shall refuse to make copies until the fee is paid. If the fee includes redaction costs, the Department shall deny access to the requester until the redaction fee is paid. If the requester pays any fee by check, the payee shall be "Pennsylvania Insurance Department."

This policy can also be obtained on the Department's website at <http://www.insurance.state.pa.us> or by contacting the Department's Communications Office at (717) 787-3289. Questions regarding this policy may be directed to the same office.

For additional information or if you are a person with a disability and desire to attend the meeting and require an

auxiliary aid, service or other accommodation to do so, contact Tracey Pontius, (717) 787-6469, or, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services (800) 654-5984.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-36. Filed for public inspection January 3, 2003, 9:00 a.m.]

Prudential Property and Casualty Insurance Company; Homeowner Rate Revision

On December 12, 2002, the Insurance Department (Department) received from Prudential Property and Casualty Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 10.4% increase amounting to \$5.739 million annually, to be effective March 28, 2003, for new business and May 16, 2003, for renewal business.

Unless formal administrative action is taken prior to February 10, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-37. Filed for public inspection January 3, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Kelly Reilly; file no. 02-280-05674; Unitrin Direct Insurance Company; doc. no. PH02-12-003; March 4, 2003, 12:30 p.m.

Appeal of D'ann and Marcellus McCoy; file no. 02-215-05977; Nationwide Mutual Insurance Company; doc. no. PH02-12-005; March 4, 2003, 2 p.m.

Appeal of Stephan Shugart; file no. 02-210-06177; United Services Automobile Association; doc. no. PH02-12-010; March 4, 2003, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-38. Filed for public inspection January 3, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Keystone Insurance Company; file no. 02-182-04460; Donna and Jeffrey (D) Amspacher; doc. no. P02-12-009; January 21, 2003, 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-39. Filed for public inspection January 3, 2003, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Notice of Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's 11 member board to be held at the Wildwood Conference Center, Harrisburg Area Community College, Harrisburg, PA, at 9:30 a.m. on Monday, January 13, 2003.

Individuals having questions regarding this meeting, which is open to the public, should contact the Patient Safety Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 03-40. Filed for public inspection January 3, 2003, 9:00 a.m.]

PENNSYLVANIA COUNCIL ON AGING

Meeting Dates for 2003

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Pennsylvania Council on Aging (Council) has established the following meeting dates for the calendar year 2003:

Wednesday, January 8, 2003
Tuesday, March 4, 2003
Wednesday, May 7, 2003
Wednesday, July 9, 2003
Wednesday, September 10, 2003
Thursday, October 23, 2003

All meetings of the Council except the October 23, 2003, meeting will be held in the Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA. Meetings are from 9 a.m. to 1 p.m. Contact the Council at (717) 783-1924 for the location of the October 23, 2003, meeting.

Persons with a disability who wish to attend meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Velma Carter-Dryer, Executive Director, (717) 783-1924 to discuss how the Council may best accommodate their needs.

VELMA E. CARTER-DRYER,
Executive Director

[Pa.B. Doc. No. 03-41. Filed for public inspection January 3, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Access Proposal in Response to Access Charge Investigation

On December 16, 2002, the Office of Consumer Advocate, the Office of Trial Staff, the Office of Small Business Advocate, The United Telephone Company of Pennsylvania d/b/a Sprint and the Rural Telephone Company Coalition, filed a Joint Access Proposal in Response to Access Charge Investigation—Phase II.

Interested parties may file comments concerning the Proposal on or before 30 days after the date of publication of this notice. Reply comments may be filed 45 days after publication. One original plus 9 copies of comments and reply comments must be filed with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of the comments and reply comments may also be filed electronically with Elizabeth Barnes of the Public Utility Commission's Law Bureau at Ebarnes@state.pa.us. Copies of the entire filing are available for full inspection and copying at the Office of the Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

JAMES J. MCNULTY,
Secretary

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Access Charge Investiga- : Docket Nos. P-00991648
tion Per Global Order of : P-00991649
September 30, 1999 : M-00021596

**JOINT ACCESS PROPOSAL IN RESPONSE TO
ACCESS CHARGE INVESTIGATION—PHASE II**

I. Background

1. In its *Global Order*,¹ the Pennsylvania Public Utility Commission ("Commission") established the Pennsylvania Universal Service Fund ("PA USF"). As the Commission held:

The USF is a means to reduce access and toll rates for the ultimate benefit of the end-user and to encourage greater toll competition, while enabling carriers to continue to preserve the affordability of local service rates. Although it is referred to as a fund, it is actually a passthrough mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in their toll and access charges.

Global Order at 142. In adopting a PA USF, the Commission approved a modified version of a settlement plan submitted by the Rural Telephone Company Coalition ("RTCC") and Bell Atlantic-Pennsylvania, Inc. (then "Bell," now "Verizon-PA"). The PA USF was established on a revenue-neutral basis and provided for, among other things, the rebalancing of intrastate access charges, toll rates, and local rates by all incumbent local exchange carriers except Bell and GTE North (now "Verizon-North"). The *Global Order* also established a rate cap limiting the average amount that residential consumers will pay for basic local service with any rate amount in excess of that cap coming from the PA USF. The Commission formalized the terms of the PA USF by rulemaking conducted after entry of the *Global Order*, with the PA USF officially codified at 52 Pa. Code §§ 63.161—63.171. Pursuant to those regulations, the PA USF continues until further rulemaking of the Commission.

2. In the *Global Order*, the Commission further stated as follows:

[W]e shall initiate an investigation on or about January 2, 2001, to further refine a solution to the question of how the Carrier Charge (CC) pool can be reduced. At its conclusion, but no later than December 31, 2001, the pool will be reduced. In addition, we shall consider the appropriateness of a Toll Line Charge (TLC) to recover any resulting reductions.

Global Order at 60. The Commission also raised the possibility of instituting an intrastate Subscriber Line Charge ("SLC") in the context of the subsequent access charge investigation. *Id.* Due to the significant changes subsequently taking place in the telecommunications industry and the regulation thereof, this investigation was not instituted as initially set out by the Commission. However, as discussed below, access reform continued.

3. While implementation of the Commission's proposed January 2001 access investigation was delayed, access reform by the RTCC members and Sprint continued

nonetheless. Numerous RTCC members and Sprint filed revenue-neutral rate rebalancings under their respective Chapter 30 plans approved by the Commission after the entry of the *Global Order*, resulting in further reductions to their access charges.²

4. Further, by Order entered November 4, 1999 at Docket No. A-310200F0002 involving the merger of Bell and GTE North to form Verizon-PA and Verizon-North, the Commission adopted an agreement of the parties to that merger that provided that within 30 months of the merger closing, or on or about December 31, 2002, Verizon-PA and Verizon-North would commence an access charge proceeding specific to the Verizon companies for the purpose of further accomplishing access charge parity for those companies by developing access charge parity based on a consolidated cost study.

II. The Phase II Proposal

5. By Secretarial Letter dated October 24, 2001, the Commission provided as follows:

The *Global Order* of September 30, 1999, ordered an investigation into access charges beginning on January 2, 2001, and that following said investigation a reduction of the carrier charge pool take place by the end of the year 2001.

Due to the more pressing matter of Verizon's Section 271 application filing at the beginning of this year, this investigation was postponed. Also, in light of the recent ruling of the FCC, *In the Matter of Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers* (CC Docket No. 00-256); *Federal-State Joint Board on Universal Service* (CC Docket No. 96-45); *Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate of Return Regulation* (CC Docket No. 98-77); and *Prescribing the Authorized rate of return for interstate services of local exchange carriers* (CC Docket No. 98-166), the Commission wishes to give the RTCC and Sprint/United time to review the FCC's Order, which may have an impact on the RTCC's and Sprint/United's intrastate access charges in Pennsylvania, before offering the Commission a proposal regarding the issue of reducing access charges.

Therefore, the Commission hereby directs, that the RTCC and Sprint/United have until January 15, 2002 to submit a proposal with the Commission outlining proposed changes in access charges and a reduction in the carrier charge pool, and outlining a time frame for changes to take effect. If the RTCC and Sprint/United fail to file a proposal, a formal investigation into the reduction of access charges shall commence in January, 2002.

6. Following the submission of various proposals pursuant to the October 24, 2001 letter and extensive discussions on this matter, all public parties and all ILECs except Verizon-PA and Verizon-North, specifically the

¹ *Joint Petition of Nextlink Pennsylvania, Inc. et al., and Joint Petition of Bell Atlantic-Pennsylvania, Inc., et al.*, Docket Nos. P-00991648 and P-00991649, Order entered September 30, 1999 ("Global Order").

² See e.g. *Pa. PUC v. Denver and Ephrata Telephone and Telegraph Company*, Docket No. R-00016682, Order entered November 30, 2001; *Pa. PUC v. North Pittsburgh Telephone Company*, Docket No. R-00016681, Order entered November 30, 2001; *Pa. PUC v. Conestoga Telephone & Telegraph Company*, Docket No. R-00016321, Order entered June 21, 2001; *Pa. PUC v. Buffalo Valley Telephone Company*, Docket No. R-00016320, Order entered June 21, 2001; *Pa. PUC v. The United Telephone Company of Pennsylvania d/b/a Sprint*, Docket No. P-00981410, Order entered October 24, 2002; *Pa. PUC vs. Frontier Communications of Pennsylvania, Inc., Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc. and Frontier Communications of Oswayo River, Inc.*, Docket No. P-00951005, Order entered June 15, 2001; *Pa. PUC vs. Frontier Communications of Pennsylvania, Inc.*, Docket No. R-00027424, Order entered July 1, 2002; *Pa. PUC vs. Frontier Communications of Lakewood, Inc.*, Docket No. R-00027427, Order entered July 1, 2002.

Office of Consumer Advocate, Office of Trial Staff, Office of Small Business Advocate, RTCC and Sprint, have agreed to a proposal³ for further reform of access charges for the RTCC members and Sprint and a time frame for these changes to take effect. The proposal, attached in full hereto as Exhibit B, in summary provides for the following salient access charge reforms:

- Revenue-neutral rebalancings resulting in access reductions in 2003 of approximately \$25 million;
- Further revenue-neutral rebalancings resulting in access reductions for the Smaller ILECs of \$2.2 million on January 1, 2004;
- Opportunity for further revenue-neutral rebalancings resulting in additional access reductions in 2004;
- Establishment of a new weighted average rate cap of \$18.00 from January 1, 2004 through December 31, 2006 to replace the current \$16.00 rate cap, which expires 12/31/03. In a manner proposed to be consistent with the terms of the *Global Order*, any approved future increase in rates above the \$18.00 rate cap shall also be recoverable from the USF under the exact same terms and conditions as provided in the *Global Order* and in orders approving RTCC members' Chapter 30 plans;
- Redistribution of a portion of Sprint's current USF receipt to the Smaller ILECs, which can be accomplished through the Fund's administration;

Further, the following benefits are readily attainable with Commission approval of the responsive proposal and implementation of those access reforms:

- All access reductions benefit the toll carriers;
- No change to the existing USF that impacts what is paid into the Fund or by whom;
- No changes are made to, or are required of, the existing PA USF which shall, as provided in the regulations, continue in place until modified by the Commission.

III. Conclusion

7. The parties to the Joint Access Proposal have provided Statements in Support, attached hereto as Exhibit A, which set forth the reasons why the party believes the proposal to be in the public interest.

Kandace F. Melillo
Counsel for the
Office of Trial Staff

Respectfully submitted,
D. Mark Thomas
Patricia Armstrong
Regina L. Matz
Counsel for the
Rural Telephone Company
Coalition

Philip L. McClelland
Counsel for the
Office of Consumer
Advocate

Zsuzsanna Benedek
Counsel for The
United Telephone Company
of Pennsylvania (d/b/a
Sprint)

Steven Gray
Counsel for the
Office of Small Business
Advocate

³ Extensive highly confidential and proprietary data, detailing the specific impact of this Joint Access Proposal, has been provided to Commission Staff by the signatory companies and has been reviewed in detail by the statutory parties to this Proposal.

EXHIBIT B RTCC/SPRINT/OCA/OTS/OSBA JOINT ACCESS PROPOSAL IN RESPONSE TO THE COMMISSION'S ACCESS CHARGE INVESTIGATION—PHASE II

Defined Terms

As employed herein, the following terms shall have these specified meanings:

- "ILEC" means an RTCC member or The United Telephone Company of Pennsylvania d/b/a Sprint ("Sprint").
- "RTCC" means Rural Telephone Company Coalition. The RTCC members are ALLTEL Pennsylvania, Inc. ("ALLTEL"), Armstrong Telephone Company—PA, Armstrong Telephone Company—North, Bentleyville Communications Corporation, d/b/a The Bentleyville Telephone Company, Buffalo Valley Telephone Company ("Buffalo Valley"), Citizens Telephone Company of Kecksburg, Citizens Telecommunications Company of New York,⁴ Commonwealth Telephone Company ("Commonwealth"), Conestoga Telephone and Telegraph Company ("Conestoga"), Denver and Ephrata Telephone and Telegraph Company ("D&E"), Deposit Telephone Company, Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Owayo River, Inc., Frontier Communications of Pennsylvania, Inc. ("Frontier PA"), The Hancock Telephone Company, Hickory Telephone Company, Ironton Telephone Company, Lackawaxen Telecommunications Services, Inc., Laurel Highland Telephone Company, Mahanoy & Mahantango Telephone Co., Marianna & Scenery Hill Telephone Company, The North-Eastern PA Telephone Company, North Penn Telephone Company, North Pittsburgh Telephone Company ("NPTC"), Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone Company, Venus Telephone Corporation, and Yukon-Waltz Telephone Company.
- "Larger ILEC," for purposes of this Proposal only,⁵ means ALLTEL, Buffalo Valley, Commonwealth, Conestoga, D&E, Frontier PA, NPTC, and Sprint.
- "Smaller ILEC," for purposes of this Proposal only, means any RTCC member that is not a Larger ILEC.

Elements of Proposal

1) If an ILEC's intrastate traffic sensitive (TS) rates exceed its interstate TS rates, the ILEC may, at its sole discretion, lower its intrastate TS rates to match or move closer to its interstate TS rates, and simultaneously increase its Carrier Charge (CC) by a corresponding revenue neutral amount using the 12 months ended August 31, 2002, or the most current 12 month period, thereby creating a revised CC. An ILEC may, at its sole discretion, lower its intrastate TS rates to match or move closer to its interstate TS rates, and simultaneously

⁴ Because Citizens Telecommunications Company of New York has and continues to operate under New York access tariffs, it is not to be deemed a party to this proposal. Likewise, West Side Telephone Company was not included in the Global proceeding and is excluded here.

⁵ The designation of larger and smaller ILEC was based upon the factor of 20,000 access lines and was for purposes of this Proposal only, for the purpose of redirecting monies out of the existing USF that were previously allocated to Sprint.

increase its Carrier Charge (CC) by a corresponding revenue-neutral amount, again in 2004, using a recent 12 month period, thereby creating a further revised CC. All references to CC herein shall be to the then current revised CC if the ILEC has chosen to implement this element of the proposal.

2) Pursuant to an Order entered adopting this access proposal without modification, and after notice through bill insert, bill message or separately mailed notice to all customers at least 30 days prior to the date of any rate change, each ILEC will increase local rates, based upon one-day tariff compliance filing, to be effective on a date between January 1, 2003 and December 31, 2003 (as to be determined at the sole discretion of the individual ILEC) as follows:

(a) Each ILEC with a weighted average R-1 rate below \$10.83 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$11. If the increase results in R-1 rates greater than 150% of the current rate, then the increase shall be implemented in two steps, the second of which shall become effective no later than December 31, 2003. This increase shall be subject to the Company's Chapter 30 Plan rate rebalancing limitation with respect to the limitation on calendar year per line increases, i.e. not more than \$3.50 per line per month in rate increases in any one year, but shall not be subject to any other Chapter 30 process or requirements. To the extent that any ILEC shall not be able to complete the required rate increase within any year, such rate increase may be deferred to the following year subject to the Company's Chapter 30 Plan rate rebalancing limitations. Any rate rebalancing in excess of that specifically referenced in Paragraph 2 shall be subject to the Chapter 30 Plan rate rebalancing process and requirements.

(b) Each ILEC with a weighted average R-1 rate between \$10.83—\$12 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$13.50.

(c) Each ILEC with a weighted average R-1 rate between \$12.01—\$14 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$15.

(d) Each ILEC with a weighted average R-1 rate between \$14.01—\$16 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$16.

(e) Each ILEC may, at its sole option, increase its weighted average Business line rate by up to the same amount on a dollar basis that its weighted average R-1 rate is increased, but in no event may the B-1 rate be less than the R-1 rate.

3) Pursuant to an Order entered adopting this access proposal without modification, and after notice through bill insert, bill message or separately mailed notice to all customers at least 30 days prior to the date of any rate change, each ILEC may increase local rates, based upon a one-day tariff compliance filing, to be effective on a date between January 1, 2004 and December 31, 2004 (as to be determined at the sole discretion of the individual ILEC) as follows:

(a) Each ILEC with a weighted average R-1 rate of \$11 (or less) as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$13.50.

(b) Each ILEC with a weighted average R-1 rate of \$13.50 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$15.

(c) Each ILEC with a weighted average R-1 rate of \$15 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$17.

(d) Each ILEC with a weighted average R-1 rate of \$16 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a maximum weighted average R-1 rate of \$18.

(e) Each ILEC may, at its sole option, increase its weighted average Business line rate by up to the same amount on a dollar basis that its weighted average R-1 rate is increased, but in no event may the B-1 rate be less than the R-1 rate.

Any rate rebalancing in excess of that specifically referenced in Paragraphs 2 and 3 shall be subject to the Chapter 30 Plan rate rebalancing process and requirements.

4) The monthly \$16.00 cap on R-1 average rates established in the Global Order and any ILEC-specific weighted average rate cap which may have been established in any individual ILEC's Chapter 30 Plan will be increased for all ILECs to the weighted average \$18.00 cap for a minimum three (3) year period January 1, 2004 through December 31, 2006. As to any ILEC which as of July 1, 2002 has hit the \$16.00 cap and takes a credit from the USF, the ILEC shall continue to receive and apply the credit but would be limited to recovering from its customers future R-1 increases of \$2.00 under the foregoing \$18.00 cap reflecting the USF credit in effect as of July 1, 2002. Any approved future increases in rates above the \$18.00 rate cap for any ILEC shall also be recoverable from the USF under the exact same terms and conditions as approved in the Global Order. For example, if ILEC A's R-1 rates are currently \$17.25, then their customer is billed \$17.25 but receives a credit of \$1.25 from USF, receiving a net bill of \$16.00. ILEC A could, as of December 31, 2004, implement the provisions of Paragraph 3 hereof, increase its rates, if justified, by \$2.00 to \$19.25, charge its customers \$19.25, reflect a credit of \$1.25 to its customers, receive \$1.25 from the USF, and then send a net bill to its customers of \$18.00. If ILEC A justified an R-1 rate of \$20.25, then it would be entitled to \$2.25 from the USF and will send a net bill to its customers of \$18.00.

5) Pursuant to an Order entered adopting this access proposal without modification, each ILEC shall have the right, in whole or in part, in lieu of raising local service rates as provided in Paragraphs 2 and 3 hereof to raise rates on other services by an equivalent amount, based on a one-day tariff compliance filing.

6) To offset the increase to local rates described above in Paragraphs 2 and 3, each ILEC (except Sprint) will file a compliance tariff(s) to reduce its CC or TS rates, or any combination thereof, by a revenue-neutral amount (depending upon changes undertaken in Paragraph 1, above), effective on dates consistent with the increases in Paragraphs 2 and 3.

7) In addition to any rate modifications undertaken pursuant to Paragraphs 2 and 3, each Smaller ILEC that increases its rates consistent with Paragraph 2, above, or is at the \$16.00 capped rates on December 31, 2003, will additionally reduce its CC or TS rates, or any combination thereof, by the equivalent of \$2 per line per month

effective January 1, 2004 and shall receive an equal (a revenue-neutral) amount of support from the PA USF (annual total for all Smaller ILECs ranging from an estimated \$1.8 million to \$2.2 million), as provided in Paragraph 8.b. For ease of administration, the amount of additional USF received by the Smaller ILECs under this proposal will be determined as of December 31, 2003, and will be applied effective January 1, 2004 and each year thereafter for the duration of the Pa. USF (as addressed in Paragraph 1 of the Conditions of Proposal.) Beginning in 2005, any growth in access lines shall be accounted for in accordance with the annual USF calculation in 52 Pa. Code § 63.165 and the Smaller ILECs' total receipt from the Pa. USF, including the amount provided for herein, shall be included in the Smaller ILECs' prior year funding.

8) (a) To offset the increase to Sprint's local rates described above in Paragraph 2, above, Sprint will file compliance tariff(s) to reduce its CC or TS rates, or any combination thereof, by a revenue-neutral amount (depending upon changes undertaken in Paragraph 1, above) effective on dates consistent with the increases in Paragraph 2.

(b) Beginning on or after January 1, 2004, Sprint will reduce its receipt from the current PA USF equal to the \$2 per line per month reduction to the CC or TS, from Smaller ILECs as expressed in Paragraph 7. These dollars (annual total ranging from an estimated \$1.8 million to \$2.2 million) will be directly paid to the Smaller ILECs, as described in Paragraph 7, from the PA USF to offset the Smaller ILECs' reduction in access charges on a revenue neutral basis.

9) On/or after January 1 of each year beginning in 2005 each ILEC may request such rate changes or rate rebalancing as are permitted by any Chapter 30 Plans and/or applicable statutory and regulatory provisions.

Conditions of Proposal

1) The only change to the existing universal service fund in PA is that Sprint will be shifting a portion (estimated to be \$1.8 m—\$2.2m) of its current fund receipt (\$9 million) to Smaller ILECs as noted in Paragraphs 7 and 8 above. This Proposal is dependent upon all other aspects of the PA universal service program and the USF regulations remaining intact, including the recovery of rates above the rate cap into the future, specifically beyond December 31, 2003. The existing universal service fund, including the recovery of monies under Paragraph 4 of Elements of Proposal above, and regulations promulgated thereunder shall, as provided in the regulations, continue in place until modified by further Commission rulemaking.

2) Each ILEC reserves the right, subject to Chapter 30 Plan requirements, to change its access rates to ensure that each access rate element at least recovers its cost and the ILEC's service price index continues to be equal to or less than the ILEC's price stability index, in the event the ILEC's access rates are determined to be below cost based upon the development of a cost study.

3) This proposal is made in its entirety and no part hereof is valid or binding unless all components are accepted by all parties. Should any part be specifically modified or otherwise adversely impacted at any later date as to any ILEC or party, the ILEC or party shall have full unilateral rights to withdraw from the plan or revisit the plan in its sole discretion. This potential agreement is proposed by the parties to settle the instant controversy and is made without any admission against

or use that is intended to prejudice any positions which any party might adopt during subsequent litigation, including further litigation in related proceedings. This agreement is conditioned upon the Commission's approval of all terms and conditions contained herein, except for the terms of this paragraph. If the Commission should fail to grant such approval or should modify the terms and conditions herein, this agreement may be withdrawn upon written notice to the Commission and all parties within five business days by any of the parties and, in such event, shall be of no force and effect. In the event that the Commission does not approve the Settlement or any party elects to withdraw as provided above and any proceeding continues, the parties reserve their respective rights to submit testimony or other pleadings and briefs in this or a related proceeding.

4) Elements of this Proposal shall constitute rate rebalancings or rate filings as defined and allowed under each ILEC's Chapter 30 Plan only to the extent of determining the maximum amount of an increase allowed per year, but shall not preclude the filing of one additional rate restructuring/rebalancing filing in the calendar year so long as the total rate rebalancing rate increases do not exceed the maximum annual increase allowed and comply with other Chapter 30 Plan limitations and requirements. That is, implementation of proposed Paragraphs 2, 3 and 5 under Elements of Proposal are not considered rate rebalancings under the Chapter 30 Plans except in determining the maximum limitation on per year line rate increases to monthly dial tone rates. All parties retain all other rights under the approved Chapter 30 Plan to implement or oppose all rate rebalancings and other rate filings permitted under its Chapter 30 Plan. All parties reserve all rights in any proceedings relative to Chapter 30.

5) Increases to weighted average business rates on a dollar basis will be less than or equal to the increases to weighted average residential rates on a dollar basis.

6) This access proposal will be revenue neutral relative to each ILEC implementing a rate change. Absolutely no changes shall be required which are not revenue-neutral. Other access reductions that are not revenue neutral are permissible at the ILEC's sole option, but not required.

7) When notice is sent to each company's customers as provided in Paragraphs 2 and 3 under elements of Proposal, it will also be served upon all parties to this Proposal.

[Pa.B. Doc. No. 03-42. Filed for public inspection January 3, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Protests shall indicate whether it applies to the temporary authority application, the permanent authority application or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant, by January 27, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for the approval of the transfer of stock as described under the application.

A-00115167, F.5000. Tarbert Airport Passenger Transportation, Inc. (368 Tollgate Road, York, York County, PA 17403), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of all of the issued and outstanding stock, from Gary E. Tarbert (10,000 shares) to Bailey Leasing, Inc. (10,000 shares). *Attorney:* Kenneth Zielonis, P. O. Box 11670, Harrisburg, PA 17108-1670.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety V. Ivan R. Martin; Doc. No. A-00103646C02; A-00103646

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ivan R. Martin, respondent, maintains his principal place of business at 403 Shirkstown Road, Narvon, PA 17555.
2. That respondent was issued a certificate of public convenience by this Commission on June 17, 1982, at Application Docket No. A-00103646.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.
4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00103646.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

Pennsylvania Public Utility Commission Bureau of Transportation and Safety V. Lehigh Valley Refrigerated Svc.; Doc. No. A-00100156C02; A-00100156

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Lehigh Valley Refrigerated Svc., respondent, maintains its principal place of business at 5422 Oak View Drive, Allentown PA 18104.
2. That respondent was issued a certificate of public convenience by this Commission on November 15, 1977, at Application Docket No. A-00100156.
3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer

being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00100156.

Respectfully submitted,
Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-43. Filed for public inspection January 3, 2003, 9:00 a.m.]

Telecommunications

A-310633F7001. Verizon North Inc. and Level 3 Communications. Joint Petition of Verizon North Inc. and Level 3 Communications, LLC for Approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Level 3 Communications, LLC, by its counsel, filed on December 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Level 3 Communications, LLC Joint Petition are on file with the Commission and are available for public inspection.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-44. Filed for public inspection January 3, 2003, 9:00 a.m.]

Telecommunications

A-310863F7000. Verizon Pennsylvania Inc. and Comm South Companies, Inc. Joint petition of Verizon Pennsylvania Inc. and Comm South Companies, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Comm South Companies, Inc. by its counsel, filed on December 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Comm South Companies, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-45. Filed for public inspection January 3, 2003, 9:00 a.m.]

Telecommunications

A-310633F7000. Verizon Pennsylvania Inc. and Level 3 Communications, LLC. Joint Petition of Verizon Pennsylvania Inc. and Level 3 Communications, LLC for approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Level 3 Communications, LLC, by its counsel, filed on December 18, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Level 3 Communications, LLC Joint Petition are on file with the Commission and are available for public inspection.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-46. Filed for public inspection January 3, 2003, 9:00 a.m.]

Telecommunications

A-310395F7000. Verizon Pennsylvania Inc. and NUI Telecom, Inc. Joint Petition of Verizon Pennsylvania Inc. and NUI Telecom, Inc. for Approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and NUI Telecom, Inc., by its counsel, filed on December 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and NUI Telecom, Inc. Joint Petition are on file with the Commission and are available for public inspection.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-47. Filed for public inspection January 3, 2003, 9:00 a.m.]

Telecommunications

A-311011F7000. Verizon Pennsylvania Inc. and Norcom, Inc. Joint Petition of Verizon Pennsylvania Inc. and Norcom, Inc. for Approval of Amendment No. 1 to an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Norcom, Inc., by its counsel, filed on December 19, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Norcom, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-48. Filed for public inspection January 3, 2003, 9:00 a.m.]

Wastewater Service

A-230240F0017. Little Washington Wastewater Company. Application of Little Washington Wastewater Company for approval of: (1) the transfer by sale of the wastewater system assets of Pinecrest Development Corporation and Pinecrest Lake Community Trust to Little Washington Wastewater Company; and (2) the right of Little Washington Wastewater Company to begin to offer, render, furnish or supply wastewater service to the public in portions of Tobyhanna Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the Applicant, by January 21, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between of 8 a.m. and 4:30 p.m., Monday through Friday and at the Applicant's business address.

Applicant: Little Washington Wastewater Company

Through and By Counsel: Mark J. Kropilak, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-49. Filed for public inspection January 3, 2003, 9:00 a.m.]

Water Service

A-210104F0024. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval of: (1) the acquisition by Pennsylvania Suburban Water of the water system assets of Pinecrest Development Corporation and Pinecrest Lake Community Trust; and (2) the right of Pennsylvania Suburban Water to begin to offer, render, furnish or supply water service to the public in a portion of

Tobyhanna Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the Applicant, by January 21, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday and at the Applicant's business address.

Applicant: Pennsylvania-Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-50. Filed for public inspection January 3, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

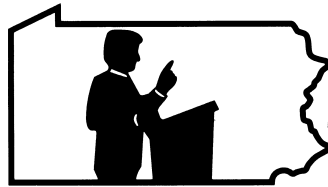
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

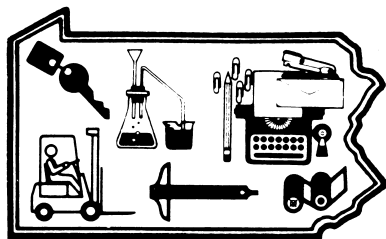
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

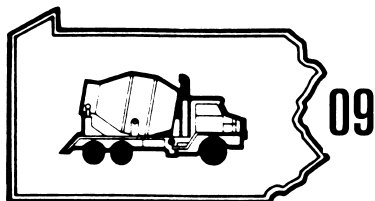


Commodities

SR 2013 Description: Fabricated structural steel—Hot Dipped Galvanized....9,164 LBS.....7/8" Diameter threaded anchor bolts (Bent)—Hot Dipped Galvanized....40 EA.....7/8" Diameter ASTM A325 bolts—Mechanically Galvanized....96 EA.....

Department: Transportation
Location: PENNDOT—Somerset County Maintenance, Glencoe Stockpile, 4407 Glencoe Road, Meyersdale, PA
Duration: Delivery no later than May 31, 2003
Contact: Joe Kelemen, (814) 445-7905

SERVICES



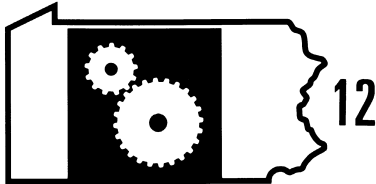
Construction & Construction Maintenance

Request for Proposal Description: Indiana University of Pennsylvania of the PA State System of Higher Education is seeking firms to remove existing dance flooring and install a new flooring system on the Zink Hall Dance Studio including but not limited to a Basket-weave sprung sub flooring system; a hardwood floor system; and a Harlequin Brand "Cascade" vinyl or approved equal, etc. The RFP is available at www.iup.edu/engconstruction/list/shtm. Interested and qualified firms can obtain a Request for Proposal from the website or from Ronald E. Wolf, Contract Specialist at Engineering & Construction Group, IUP, Indiana, PA (724) 357-2289. (Project # RFP-2002-IN-841-01-Rebid)

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Engineering & Construction Group, Robertshaw Bldg., 650 So. 13th Street, Indiana, PA 15705
Duration: RFP due January 30, 2003, at 4:00 p.m. est. Pre-Bid Conference at Zink Hall January 9, 2003, at 11:00 a.m. est.
Contact: Ronald E. Wolf, (724) 357-2289

401-BL-673.4 Electrical High Voltage Project—Provide all labor, equipment, and material necessary to install a high voltage duck and electrical cable. Replace existing direct burial aluminum line now in sue on the university's upper campus. Project includes new electrical manholes and additional runs of future telecommunications conduits. There will be one prime contractor on the this project—Electrical. To obtain the bid documents, submit a non-refundable \$50.00 deposit to Larson Architectural Group, Inc., 1000 Commerce Park Drive, Williamsport, Pa. 17703, Telephone (570) 323-6603. Complete information regarding pre-bid and bid opening will be included in the package.

Department: State System of Higher Education
Location: Bloomsburg University
Duration: 90 days
Contact: Joseph C. Quinn, (570) 389-4311

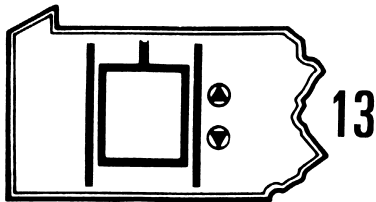


12

Drafting and Design Services

RFP 01-03 Architectural Services for Renovations to Recreation: Services required will include all design, bid preparation, bid participation and construction. Services include but are not limited to, appropriate architectural, engineering and consulting for the project. The renovations to the facility constructed in 1995, requires the need to double the size of the weight and exercise room, adding a multi-use basketball court to the main arena. In addition, the university would like to include a vertical climbing wall in the facility. Lounge space and toilet facilities will also be addressed in the renovations. To obtain a copy of the RFP, fax a letter to Joseph C. Quinn, (570) 389-2017—Bloomsburg University requesting it by 1/10/03. The RFP will be released in mid-January.

Department: State System of Higher Education
Location: Bloomsburg University
Duration: 1 Year
Contact: Joseph C. Quinn, (570) 389-4311

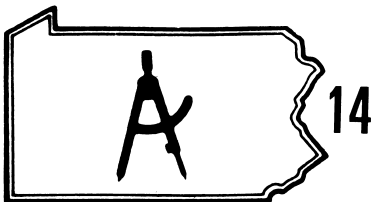


13

Elevator Maintenance

IN-844 Elevator Renovations Indiana University of Pennsylvania of the PA State System of Higher Education invites interested contractors to submit sealed proposals for Project IN-844 Elevator Renovations—Straight and Davis Halls (Elevator Construction cost range Base Bid #1: \$220,000—\$230,000). Sealed proposals will be received at IUP, Engineering & Construction Group Office, 650 South 13th St, Robertshaw Building, Indiana, PA 15705; Phone (724) 357-2289. Cost of Plans and Specs: \$100.00 (non-refundable) and available at E&C Group office beginning January 7, 2003. The complete Notice to Contractors and a list of potential bidders is available on the web at www.iup.edu/engconstruction/list/shtm. (Project #IN-844.5)

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Engineering & Construction Group, Robertshaw Bldg., 650 So. 13th Street, Indiana, PA 15705
Duration: Proposals due January 28, 2003, at 2:00 p.m. est. Pre-Bid Conference scheduled January 16, 2003, at 10:00 a.m. est at E&C Group office.
Contact: Ronald E. Wolf, (724) 357-2289



14

Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us

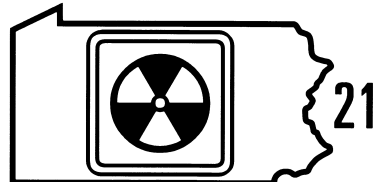


17

Financial and Insurance Consulting

PSERS-2002-3 The Public School Employees' Retirement System (PSERS) is issuing a Request for Proposal to conduct a full scope audit of PSERS financial statements for fiscal years ending June 30, 2003, and June 30, 2004, with possible one-year extensions and issue an opinion on the financial statements of the System. No preproposal meeting will be held. Questions may be sent to the Issuing Office no later than January 15, 2003. Bids will be accepted for this RFP until January 30, 2003, at 10 a.m. Please contact agency for complete bid package. Agency requires: contact name, company name, address, telephone number and email address.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: Three years with two 1-year options.
Contact: Rebecca A. Snead, (717) 720-4607

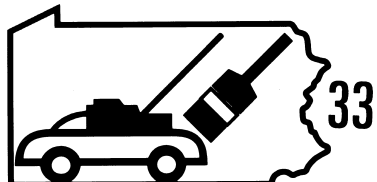


21

Hazardous Material Services

SP3522000015 Removal and disposal of three (3) 1000-gal. underground storage tank systems, all associated materials and waste products.

Department: Environmental Protection
Location: (Former) Allentown State Dairy Farm Site, Weaversville Rd., East Allen Township
Duration: 02/01/03—06/30/03
Contact: Dorothy A. Fuller, (570) 826-2202



33

Property Maintenance

014-027 Mowing of various Interstate and 4 lane routes throughout Mercer County to include rotary or flail type mowing of grass in islands, medians, interchanges and roadside areas within the highway right of way for six mowing cycles. The Department reserves the right to increase or decrease the route mileage mowed within this contract. This contract is a two-year contract and will be renewable at contract price by mutual consent of both parties for one such renewal (two year period).

Department: Transportation
Location: Mercer County
Duration: Contract period May 1, 2003, to April 30, 2005
Contact: Cindy Supel, (724) 662-5350

120R-049 Provide all labor, material and equipment for roadway mowing in Greene County according to contract specifications.

Department: Transportation
Location: Greene county
Duration: One year with the potential of two additional two year renewals upon mutal consent for a possible total of five years.
Contact: Michael D Maurer, (724) 439-7374

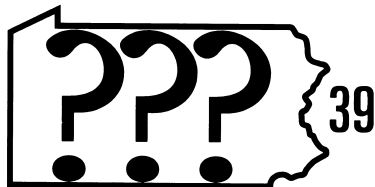
060049 This work is for the mowing of grass and trash pick-up and disposal for various PENNDOT owned parcels of land along state highways in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. Proposals must be purchased from the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be held at the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, in February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding."

Department: Transportation
Location: Parcels along various state routes in Bucks, Chester, Delaware, Montgomery and Philadelphia counties.
Duration: For the 2003, 2004, 2005 and 2006 mowing seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

2003 Task Force Exercises/Courses The Pa Emergency Management Agency (PEMA) is soliciting bids to contractors to develop and present ten (10) Table-Top exercises, ten (10) Exercise Controller/Evaluator courses, and nine (9) Full-Scale exercises based on chemical related terrorist incidents within Pennsylvania. If you are interested in receiving a bid package, please contact Donna Simmons at dsimmons-state.pa.us or call (717) 651-2188. Facsimile requests may be submitted to (717) 651-2025. Please include your name, title, phone number, fax number, complete company address, Federal ID numbers and reference 2003 Task Force Exercises/Courses on all correspondences.

Department: PA Emergency Management Agency
Location: Throughout the Commonwealth of Pennsylvania. Locations subject to change due to negotiations with individual Task Forces.
Duration: February—October 2003
Contact: Donna Simmons, (717) 651-2188

[Pa.B. Doc. No. 03-51. Filed for public inspection January 3, 2003, 9:00 a.m.]



Miscellaneous

02-IBS-02 West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for four double wide trailers currently being used as classrooms. Purchased in 1993 from Whitley Manufacturing Company, each trailer is 88' x 24', with carpeted flooring, drop ceiling with fluorescent lighting, heat pump/AC, outside steps/handicap ramps. A site inspection will be conducted at 10 a.m. on January 10, 2003, meeting at 821 S. Matlack Street, Suite A, West Chester, PA. Detailed information packages and sale terms and conditions will be made available by pre-registering by January 8, 2003, by contacting Robert Malone, Excess and Surplus Property Manager, (610) 436-2254, or via e-mail at rmalonewcupa.edu. The bids are due in the Excess and Surplus Property Office, 821 S. Matlack Street, Suite A, West Chester University, West Chester, PA 19383. Bid envelopes must be clearly marked "Bid Proposal 02-IBS-02" and must be received no later than 3:00 pm on January 24, 2003.

Department: State System of Higher Education
Location: West Chester University, West Chester, Chester County, PA
Contact: Robert Malone, Excess and Surplus Property Manager, (610) 436-2254

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
2310-02 4600003963 cn00000288	12/23/02	Rivers Truck Center	\$60,338.00
2310-02 4600003964 cn00000288	12/23/02	Hetrich Fleet Services	18,360.00
2310-02 4600003965 cn00000288	12/23/02	Regester Chevrolet	22,344.00
2310-02 4600003966 cn00000288	12/23/02	Sutliff Chevrolet	241,932.00
2310-02 4600003967 cn00000288	12/23/02	Hoffman Ford	96,124.00
2310-02 4600003970 cn00000288	12/23/02	E-Town Chevy/Olds/ Pontiac	203,654.00
2310-02 4600003976 cn00000288	12/23/02	Phillips Ford	379,914.00
2310-02 4600003978 cn00000288	12/23/02	Apple Chevrolet	596,134.00
6350-01 sup#7	12/18/02	Pittsburgh Communication	50,000.00
6350-01 sup#7	12/18/02	Secur-Data Systems/ Intervid	50,000.00
7530-04	01/01/03	Forms World	199,015.15

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
7530-04	01/01/03	Frank Parsons	500,137.84
7530-04	01/01/03	XpedX of Harrisburg	53,154.75
9985-06 sup#2	12/18/02	G C S George Courier Services	10,000.00
9985-07 sup#2	12/18/02	Powers, Garrison & Hughes	50,000.00
9985-07 sup#2	12/18/02	Veritex/ Pennsylvania LLC	50,000.00
9985-24 sup#1	12/18/02	Graham & Graham Security Agency	50,000.00
1069182-01	12/20/02	Executive Promotions	82,000.00
1079382-01	12/20/02	Cambria Tractor & Equipment	74,604.00
8170340-01	12/20/02	Rotondo Precast/ Oldcastle Precast	27,825.00
8254240-01	12/20/02	Highway Equipment	715,740.00
8254260-01	12/20/02	Five Star International LLC	168,892.00
		KELLY POWELL LOGAN, <i>Secretary</i>	

[Pa.B. Doc. No. 03-52. Filed for public inspection January 3, 2003, 9:00 a.m.]

